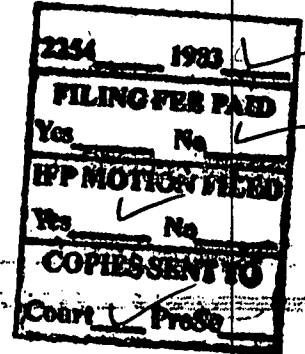
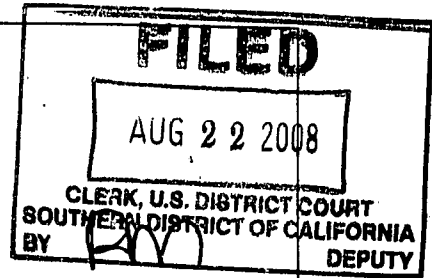


(Name) Andre Ledon Booker  
 (Address) P.O. Box, 290066  
 (City, State, Zip) Sacramento, Ca 95671  
 (CDC Inmate No.) F 30521



United States District Court  
 Southern District of California

Andre Ledon Booker  
 (Enter full name of plaintiff in this action.)

Plaintiff,

v.

Gina Lynn Ker Shaw  
 (Enter full name of each defendant in this action.)

Defendant(s).

'08 CV 1565 W WMC

Civil Case No. \_\_\_\_\_

(To be supplied by Court Clerk)

Complaint Under the  
 Civil Rights Act  
 42 U.S.C. § 1983

**A. Jurisdiction**

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

**B. Parties**

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff,

(print Plaintiff's name)

Andre Booker, who presently resides at  
CSP - Sacramento P.O. Box 290066, were violated by the actions  
Represa, Ca 95671  
 of the below named individuals. The actions were directed against Plaintiff at  
CSP - Sacramento on (dates) \_\_\_\_\_, and  
Represa, Ca 95671 (institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

CP

Defendant Gina Lynn Kershaw resides in San Bernardino,  
(name) (County of residence)  
and is employed as a Attorney of Law. This defendant is sued in  
(defendant's position/title (if any))  
his/her ☒ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting  
under color of law:

Defendant \_\_\_\_\_ resides in \_\_\_\_\_,  
(name) (County of residence)  
and is employed as a \_\_\_\_\_. This defendant is sued in  
(defendant's position/title (if any))  
his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting  
under color of law:

Defendant \_\_\_\_\_ resides in \_\_\_\_\_,  
(name) (County of residence)  
and is employed as a \_\_\_\_\_. This defendant is sued in  
(defendant's position/title (if any))  
his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting  
under color of law:

Defendant \_\_\_\_\_ resides in \_\_\_\_\_,  
(name) (County of residence)  
and is employed as a \_\_\_\_\_. This defendant is sued in  
(defendant's position/title (if any))  
his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting  
under color of law:

**C. Causes of Action** (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated:

(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

See Attached Pages 1-29  
And Exhibits I-VI.

Count 2: The following civil right has been violated: \_\_\_\_\_

(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 2.]

See Attached  
Pages 1-29 And  
Exhibits I - VI

Count 3: The following civil right has been violated: \_\_\_\_\_

(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

**Supporting Facts:** [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 3.]

#### **D. Previous Lawsuits and Administrative Relief**

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? ☐ Yes ☒ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

(b) Name of the court and docket number: \_\_\_\_\_

(c) Disposition: [ For example, was the case dismissed, appealed, or still pending?] \_\_\_\_\_

(d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(e) Approximate date case was filed: \_\_\_\_\_

(f) Approximate date of disposition: \_\_\_\_\_

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

See exhibits

VII

- XXXVII

**E. Request for Relief**

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): *Team destroying and from withholding the discovery material developed by defense investigator Steve Steemel the San Bernardino Sheriffs and their detective agency and that which is in the case file of FV1023321.*

2. Damages in the sum of \$ *60,000,000.*

3. Punitive damages in the sum of \$ *60,000,000.*

4. Other:

**F. Demand for Jury Trial**

Plaintiff demands a trial by ☒ Jury ☐ Court. (Choose one.)

**G. Consent to Magistrate Judge Jurisdiction**

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

I declare under the penalty of perjury that the foregoing is true and correct.

Date

*Anna Burke*  
Signature of Plaintiff

Attache d

1 Claim: Counsel violated the first and  
2 the sixth amendments of the United  
3 States Constitution. When Counsel failed  
4 to turn over Client file to Client  
5 after trial.

6 Plaintiff Andre Ledon Booker, state  
7 that defendant attorney Gina Lynn  
8 Kershaw, is denying plaintiff his first  
9 and sixth amendment Rights. To com-  
10 petent Representation and to access  
11 the Courts. In that defendant is de-  
12 priving plaintiff the discovery material  
13 used in the investigation, the defense  
14 and the prosecution of plaintiff in  
15 Superior Court Case number 7v1023321.

16 Discovery material such as but not  
17 limited to. The names and the contact  
18 information of witnesses, the state-  
19 ments of witnesses, Attorney-witness  
20 interview Reports, defense investigative  
21 Reports, fingerprint analysis Reports, photo  
22 Six packs, exhibits, Search Warrants,  
23 Wire tap Warrants, witness list, all  
24 Recordings, Sheriff dispatcher's Record-  
25 ings and all other investigative  
26 material. Which was discovered and  
27 used by defense Counsel and the deputy  
28 district attorney David Foy, in the



1 afore-mentioned Case.

2 Plaintiff State that the Client  
3 file defendant held and still possess  
4 in Case number Fv1023321. Contain  
5 the herein mentioned material and  
6 other Relevant material. Which would  
7 afford Plaintiff the Right and oppor-  
8 tunity to have an independent investigation  
9 Conducted. That Plaintiff could then exercise  
10 his first, Sixth and fourteenth amendment  
11 Rights during the appellate process.

12 Furthermore defendants failure to Make  
13 available plaintiffs Client file, after Re-  
14 peated Request. Violates plaintiffs first,  
15 Sixth and fourteenth amendment Rights.  
16 In that defendant has conspired to Chill  
17 plaintiffs exercise of his first, Sixth  
18 and fourteenth amendment Rights. Through  
19 actions which do not serve nor advance  
20 any legitimate penological goals.

21 On 10/5/05, Plaintiff was arrested  
22 in the State of Minnesota, by the  
23 Minnesota F.B.I. Task Force. On a fugitive  
24 Warrant issued by Judge Stanford E.  
25 Reichert, Of the Superior Court of San  
26 Bernadino, California. On Charges of  
27 Robbery, Assault with a firearm  
28 and attempt car jacking.

1 On 10/6/05, Plaintiff appeared before  
2 Judge Edward S. Wilson, of the District  
3 Court of the State of Minnesota. For the  
4 purpose of a extradition hearing. Where  
5 plaintiff signed a Waiver of extradition  
6 to Return voluntarily to the State of  
7 California.

8 On 11/1/05, Plaintiff was extradited to  
9 the State of California, in the custody  
10 of the San Bernadino Sheriff department  
11 detective agency.

12 On 11/3/05, Plaintiff appeared before Judge  
13 Jules E. Fleuret, in the Municipal Court of Vic-  
14 torville, for the purpose of arraignment. Plaintiff  
15 was represented by defendant Gina Lynn Ker-  
16 Shaw, to whom a copy of the Criminal Complaint  
17 and the discovery material was provided by  
18 D.O.A. David Foy. (See exhibit I).

19 Plaintiff state that after the arraign-  
20 ment defendant, informed plaintiff of  
21 the charges and of the information alleg-  
22 ed in the Criminal Complaint. Defendant  
23 also asked plaintiff what did he  
24 know about the alleged incidents?  
25 To which plaintiff replied that  
26 he knew only that which was  
27 just stated and that during the  
28 time of the alleged in-

Attached

1 cidents. He was at home among family  
2 friends and neighbors. All who would  
3 verify that plaintiff was in their  
4 company.

5 Plaintiff state that defendant asked  
6 for the names of the friends, neigh-  
7 bors and family members. All of which  
8 was written on to a list. That held  
9 the names of Mayleen Santiago, Robert Colbert,  
10 David Lyle, Adam Lyle, Michael Lyle, Paul Thomp-  
11 son and Denise Thompson. Plaintiff also  
12 provided defendant with the contact  
13 information of each witness.

14 Plaintiff state that defendant said she  
15 would contact defense investigator Steve  
16 Streemel, with the witness information to  
17 conduct interviews. And that she would have  
18 Steve to contact plaintiff. To discuss the  
19 particulars of the investigation, in pre-  
20 paration of the upcoming preliminary hear-  
21 ing.

22 At that plaintiff asked defendant to ex-  
23 plain the contents of the discovery  
24 material. Plaintiff state that defendant  
25 replied that the discovery consist of a variety  
26 of documents. Such as police Reports, in-  
27 vestigative Reports and the Cad Re-  
28 port. All of which deal with the

1 Statements of the Witnesses, which was  
2 Reported to the Responding Sheriff deputies  
3 The Statements the Witnesses Reported  
4 to the Sheriff department detective  
5 agency in the course of their in-  
6 vestigation.

7 The Statements the Responding depu-  
8 ties Reported to the Sheriff depart-  
9 ment dispatchers during the time  
10 of the alleged incidents. The six  
11 pack photographs shown to the Witness-  
12 es by the deputies and the detectives  
13 during their investigation. Exhibits  
14 and photographs of the alleged crime  
15 scenes, finger print analysis Reports.  
16 Copies of the search and wire tap war-  
17 rants and the other evidence the  
18 D.D.A. intends to use at trial.

19 Plaintiff then asked defendant to pre-  
20 pare a copy of the discovery material for  
21 him. To which defendant stated she would  
22 have prepared and available at the next  
23 Court appearance.

24 On 11/7/05, plaintiff met with defendant  
25 to discuss an offer made by the Astoria  
26 Attorneys Office.

27 After plaintiff made it clear, that  
28 his interest was to go forward with

the Case. Plaintiff State that he asked defendant to explain the case to him. To which defendant Replied. The only evidence I've gathered from the discovery that ties you to these Charges. Is the Statements of one eyewitness Deputy Darin Lansdown, who makes a questionable I.D.. However I don't see his I.D. being able to carry the case too far.

Especially when there are at least ten or more other eyewitnesses Robert Greene, Jennifer Touvala, Tony Brackins, Janie Weinke, Deana Walker, Sean Averett, Shannon Pacol, Dequin Bradford, Joe Nunez and Christopher Jackson who were not able to I.D. you at all.

At that, defendant took the opportunity to introduce the defense investigator Steve Stremel, by stating I have here our investigator working some viable leads. which will show that Deputy Lansdown, identified the wrong person. When you get your copy of the discovery, you will see the information which supports this position.

Plaintiff states that Steve joined the discussion

Attached

1 by asking plaintiff what would be  
2 the best times to reach the alibi  
3 witnesses? To which plaintiff in-  
4 formed Steve, that he would have to  
5 contact each witness at the telephone  
6 numbers previously provided to de-  
7 fendant to obtain that information  
8 from each one of them.

9 Plaintiff then instructed Steve to  
10 contact co-defendant Rudolph Johnson,  
11 who would verify that plaintiff was not  
12 with him during the time of the alleged  
13 incidents.

14 Plaintiff states that Steve said he  
15 would have to get permission from  
16 co-defendants attorney before speaking  
17 with him and would thereafter con-  
18 tact plaintiff with the results.

19 On 11/8/05, Plaintiff state that he met with de-  
20 fense investigator, who informed  
21 plaintiff that he had interviewed Co-defen-  
22 dant Rudolph Johnson. Who verified that  
23 plaintiff was not with him during the  
24 time of the alleged incidents. Mr. John-  
25 son also stated that he would testify  
26 to such when subpoena to do.

27 Steve further stated that he had pre-  
28 pared a written report detailing the



the contents of the interview. And that a copy of the Report was provided to defendant for the case file of plaintiff.

Steve went on to state that he had contacted alibi witnesses Mayleen Santiago, Robert Colbert, David Lyle, Michael Lyle, Adam Lyle, Paul Thompson and Denise Thompson. That he had scheduled interviews with each witness to take place within the next two weeks.

At that, plaintiff asked Steve had he made contact with any of the eyewitnesses. To which Steve stated he had not.

On 11/9/05, the preliminary hearing was held before Judge Jules E. Fleuret. The D.D.A. David Foy, presented witnesses Deputy Darin Lansdown, Regina Chianna and Detective Rick Messersmith.

After there was no affirmative defense presented by defendant. The Court ruled there was sufficient evidence to hold plaintiff to answer. The Record of the preliminary hearing is contained in Case number FV1022315, of the Superior Court file FV1023321.

On 11/22/05, Plaintiff state that he met with de-

1 defendant, who stated she had interviewed  
2 Robert Colbart, Paul Thompson and Denise  
3 Thompson. Each who verified that  
4 they were in the company of plain-  
5 tiff during the time of the alleged  
6 incidents.

7 Defendant further stated that a copy  
8 of the written report detailing the  
9 contents of each witness interview  
10 would be included in plaintiff's copy  
11 of the discovery. Defendant also report-  
12 ed that each witness would be sub-  
13 poena to testify at trial.

14 Afterwards plaintiff instructed de-  
15 fendant to contact and interview Kevin  
16 Booker. Who would verify that plaintiff's  
17 vehicle broke down in the city of  
18 Victorville on 8/1/05. Further that he  
19 and plaintiff pushed the vehicle to a  
20 mechanic shop in Victorville the same  
21 day.

22 Plaintiff also instructed defendant to  
23 contact and interview Farris Jackson.  
24 Who would verify that she had rented a  
25 car from Enterprise Rentals for plain-  
26 tiff. After plaintiff had informed her  
27 of the mechanical problems with his  
28 vehicle and after plaintiff had asked her



Attached

1 to do so. Plaintiff also provided defen-  
2 dant with the telephone numbers of  
3 each witness. That plaintiff could  
4 then call each to schedule in-  
5 terviews.

6 On 12/30/05, Plaintiff state that he met with de-  
7 fendant, who informed plaintiff that  
8 she had submitted a Pitchos Motion.  
9 That the Sheriff department had agreed  
10 to turn over the training, the em-  
11 ployment, the discipline and the per-  
12 formance files of Deputy Darin Lans-  
13 down, Fernando Hernandez, Robert Boyd,  
14 Robert Rose, Joseph Catalano, Scott Chap-  
15 delaine, Joshua Conley, Mark Ramirez  
16 and Detective Rick Messersmith. All  
17 who were involved in the crime scene  
18 searches, the interrogation of suspects  
19 and the crime scene investigation.

20 Defendant further stated that the  
21 examination of the files and or records  
22 produced impeachable evidence. Regarding  
23 Mark Ramirez, Darin Lansdown and Rick  
24 Messersmith all who had been discipline  
25 for falsifying documents. And to the later  
26 Messersmith in addition to the falsifying  
27 of documents. There was an alleged accu-  
28 sation of planting evidence on more

Attached

than one occasion. Also with Regards to Fernando Hernandez and Joseph Catalano, there were accusations of excessive force and complaints of harassment.

On 1/3/06, Plaintiff stated that he met with defense investigator Steve Stremel, who informed Plaintiff that he had interviewed Mayleen Santiago, David Lyle, Adam Lyle and Michael Lyle. All who verified that Plaintiff was in their company at and or during the time of the alleged incidents.

Steve further stated that he had prepared a written Report, detailing the contents of each interview and that he had provided a copy of each Report to defendant for the case file of Plaintiff.

Steve went on to state that he had interviewed eyewitnesses Janie Weirke, Jennifer Touzula, Robert Green, Peguin Bradford, Christopher Jackson, Tony Brackins, Deana Walker and Salti Mahmoud.

That in each interview he showed a photo six pack to each eyewitness. Which included a photograph of Plaintiff. That he asked each witness to

Attached

1 point to the photograph of the person  
2 whom they believed to be the suspect  
3 That each witness stated after  
4 viewing the photo six pack. The person  
5 is not pictured in the photograph.

6 Steve went on to inform plaintiff that  
7 he had each witness sign a document,  
8 which stated the witness had been  
9 shown a photo six pack, that included  
10 the photo of a person who had been  
11 arrested in the case. Which the witness  
12 had been a eyewitness to and that  
13 each stated. The person whom they  
14 believed to be the suspect was not  
15 pictured in the photo spread. Also that  
16 a copy of each witness interview, de-  
17 tailing the contents thereof was pro-  
18 vided to defendant for the case file  
19 of plaintiff.

20 Plaintiff then asked Steve about the lead  
21 he was pursuing, that would show  
22 Deputy Lansdown had identified the  
23 wrong person? To which Steve stated  
24 he had recently received a call sheet,  
25 that identifies which call sign belongs  
26 to a particular deputy or detective.  
27 And which operator made each par-  
28 ticular entry on the cad report.

With this information, Steve stated he would be able to identify who was reporting the different description information about the suspects. And that he would write his findings in a report. Which he would later provide a copy thereof to defendant for plaintiff's case file.

On 1/7/06, Plaintiff state that he met with defendant who informed plaintiff, that she had interviewed Kevin Booker. Who verified that plaintiff's vehicle had broken down on 8/1/05. That he had also helped plaintiff push the vehicle to a mechanic shop located on First and (D) Street in the City of Victorville. Defendant went on to state that the witness Kevin Booker, had signed a declaration stating the above and that he would be subpoena to testify at trial.

On 2/10/06, Plaintiff state that he met with defense investigator Steve, who informed plaintiff that for trial, he had prepared photograph exhibits of the Ralphs Shopping Center, the entrance and Rear gate of the Colony

Attached

1 Apartments. That he had examined  
2 crime scene photographs taken by  
3 Sheriff department detectives. Of  
4 the victim, the Rental Car, the Re-  
5 covered money and the vehicle in-  
6 volved in the attempt car jacking.  
7 That he had Calculated the time it  
8 took to Run from the Ralph Shopping  
9 Center, to the Rear of the Colony  
10 Apartments and the time it took  
11 to drive the same distance.

12 That he had taken measurements of  
13 the distances between the locations.  
14 Where Deputy Lansdown, Stated he  
15 was at and where he Stated the  
16 suspects were during the time of  
17 his observations.

18 That he had obtained a copy of plaintiffs  
19 medical files and a copy of plaintiffs  
20 vehicle Registration. That he had pre-  
21 pared a written Report detailing  
22 the information he would be testifying  
23 to at trial. And that he had provided  
24 a copy to defendant for plaintiffs  
25 Case file.

26 Steve fuather Stated that the  
27 Citizen who had Reported the Rob-  
28 bery to witness Salti Mahmoud,

Attached

1 Was Daniel Chinna, a Relative of Regina  
2 Chinna. That he had interviewed Daniel  
3 Chinna, and shown him the photo six  
4 pack, which featured a photograph of  
5 Plaintiff. After view the photo six pack  
6 Daniel Chinna, Stated that the person he  
7 Saw attack and Rob Regina Chinna, was  
8 not in the photo spread.

9 That he had prepared a written  
10 Report, which detailed the con-  
11 tents of the interview and pro-  
12 vided a copy to defendant for Plaintiff's  
13 Case file.

14 On 2/28/06, Plaintiff state that he met  
15 with defendant who informed plaintiff that  
16 witnesses David Lyle, Adam Lyle, Michael Lyle,  
17 Paul Thompson, Denise Thompson, Robert Colbart,  
18 Kevin Booker, Farris Jackson, Mayleen Santiago,  
19 Daniel Chinna, Janie Weinke, Jennifer Touzula,  
20 Robert Greene, Dequin Bradford, Deana  
21 Walter, Satti Mahmoud, Tony Brackins, Mark  
22 Ramirez, Joseph Catalano, Steve Stremel,  
23 Christopher Jackson and Dr. Vivian Smith  
24 had been submitted to the Court on the  
25 defense witness list.

26 On 3/1/06, Plaintiff state that defendant  
27 stated that witnesses Mayleen  
28 Santiago, David Lyle, Adam Lyle,



Attached

1 Michael Lyle, Robert Colbart, Paul Thompson,  
2 Denise Thompson, Kevin Booker, Farris  
3 Jackson, Daniel Chinna, Janie Weirke, Jenn-  
4 ifer Tourula, Robert Greene, Dequin Bradford,  
5 Tony Brackins, Christopher Jackson, Peara  
6 Walker, Salti Mahmoud, Deputy Mark Ramirez,  
7 Joseph Catalano, Steve Stremel and Dr.  
8 Vivian Smith had been issued subpoenas  
9 to testify at trial.

10 Also on 3/1/06, jury selection began and  
11 went on until 3/3/06. A jury was empan-  
12 eled, alternates were selected and trial  
13 began with the peoples opening state-  
14 ments.

15 The peoples case in chief proceeded  
16 with D.O.A. David Foy, presenting witness-  
17 es Regina Chinna, Angeline Cracchiolo, Robert  
18 Greene, Gail Brown, Michael Reuvers, Kari  
19 Klaus, John Wickum, Rick Messersmith, De-  
20 borah Harris, Allen Maxwell, Katie King, Gray  
21 Bailey and Darin Lansdown. All who testified  
22 to different aspects of the peoples case  
23 and all who were cursory examined  
24 by defendant. Who failed to adduce the  
25 readily available evidence of plaintiffs  
26 innocence. The peoples case went un-  
27 challenged and carried on until 3/3/06,  
28 when the people rested,

(16.)

Attached

On 3/13/06, defendant presented Plaintiff's case in chief, without calling the alibi witnesses to testify that Plaintiff was in their company during the alleged incidents. NOR was the eye-witnesses called to testify that Plaintiff was not the suspect they saw.

Further none of the witnesses who were essential to Plaintiff's defense and to the evidence of mistaken identification were called.

The only witness called was Mayleen Santiago, whose testimony was limited and reliant upon the testimony of the other witnesses. Defendant at one stage of the trial informed the judge that there would be other witnesses. (See exhibit II).

However at some point, without notice nor without consultation with Plaintiff, Defendant rested Plaintiff's defense. Wagering that the testimony of Mayleen Santiago, alone had revealed the information of Plaintiff's innocence a reasonable doubt toward guilt and more importantly held the prosecutor to its burden of proving Plaintiff guilty beyond a reasonable doubt.

(17.)



Attached

Furthermore none of the witness declarations, photographs, exhibits and none of the other evidentiary material discovered and prepared by the defense investigator, to be used in the defense of plaintiff at trial was introduced into evidence nor used in any capacity for the defense of plaintiff at trial.

The jury was given the case for deliberations and on 3/16/06, The jury came back with a guilty verdict for plaintiff of one count of aiding and abetting a robbery and one count of ex-felon in possession of a firearm.

On 5/17/06, Defendant filed a notice of appeal on behalf of plaintiff.

On 6/6/06, Plaintiff appeared before Judge John M. Tombealin, who sentenced plaintiff to a term of (45) forty five years to life.

On 8/16/06, Plaintiff was notified by appellate attorney Michael B. McPartland, that he had been appointed to represent plaintiff on appeal.

On 12/19/06, Appellate Counsel filed a opening brief on behalf of plaintiff in the Fourth Appellate District Division Two,

Attached

in Case number E040552. With a claim that the trial court gave an erroneous jury instruction. Violating plaintiffs Right to a jury trial under the sixth Amendment.

On 6/24/07, Plaintiff contacted appellate attorney Mr. McPartland, via mail concerning a Request for a copy of the trial Record. (See exhibit III).

On 7/5/07, Appellate attorney Mr. McPartland, Responded to plaintiffs trial Record Request. (See exhibit IV).

On 7/19/07, Plaintiff recontacted Mr. McPartland, Regarding the trial Record an issues plaintiff Requested appellate attorney to pursue on a IAC Claim. (See exhibit V).

On 7/26/07, Appellate attorney Replied with the following Response. (See exhibit VI).

On 8/9/07, Plaintiff contacted Mr. McPartland, Regarding the discovery material used by the trial attorney and the prosecutor in case F102332. See exhibit VII).

On 8/12/07 Plaintiff contacted Mr. McPartland, Regarding the issues of a IAC

1 Claim and the Status of plaintiffs direct  
2 appeal. See exhibit VIII).

3 On 8/23/07, Mr. Mc Partland, Responded  
4 with the following Response. (See exhibit  
5 IX.)

6 On 8/27/07, Plaintiffs direct appeal  
7 was denied by the Fourth Appellate Distric  
8 ict Divison II, in a unpublished official  
9 Report. Citing that the error was harm-  
10 less beyond a reasonable doubt. Based upon  
11 the unchallenged evidence presented in  
12 plaintiffs trial.

13 On 9/5/07, Plaintiff was notified by  
14 Mr. Mc Partland, that the direct appeal  
15 was denied and that a petition for  
16 Review would be submitted to the  
17 California Supreme Court on behalf of  
18 plaintiff. (See exhibit X).

19 On 9/6/07, Plaintiff contacted defendant  
20 Gina Lynn Kershaw, Requesting a copy of  
21 plaintiffs case file, which held the  
22 discovery material she used as well  
23 as the prosecutor in the case numbered  
24 Fr1023321. See exhibit XI.

25 On 9/14/07, Plaintiff contacted Mr. Mc-  
26 Partland, Regarding the issues pertaining  
27 to the IAC Claim and Requested that  
28 those issues be included \_\_\_\_\_

Attached

1 With the petition for Review. Also  
2 Plaintiff asked Mr. Mc Partland, to contact  
3 trial attorney Gina Ker Shaw, regard-  
4 ing the case file and the discovery  
5 material. (See exhibit XII).

6 On 11/1/07, Plaintiff Recontacted  
7 Mr. Mc Partland, Regarding the same  
8 matters described in the previous  
9 contact in exhibit XI. (See exhibit  
10 XIII).

11 On 11/12/07, Mr. Mc Partland, Responded  
12 with the following Reply. (See exhibit  
13 XIV).

14 On 11/20/07, Plaintiff Contacted defen-  
15 dant Regarding a copy of the case file,  
16 which held the discovery material. (See  
17 exhibit XV).

18 On 12/5/07, Plaintiff was notified  
19 by Appellate attorney Mr. Mc Partland, that  
20 the Supreme Court had denied plain-  
21 tiffs petition for Review. (See ex-  
22 hibit XVI).

23 On 12/7/07, Plaintiff contacted Mr. Mc-  
24 Partland, Requesting that he pursue  
25 the appellate issues and the IAC  
26 Claim to the Federal Courts. See  
27 exhibit XVII).

28 On 12/15/07, Mr. Mc Partland Responded  
(21.)

Attached

1 with the following Reply. (See exhibit  
2 XVIII).

3 On 12/20/07, Plaintiff Recontacted  
4 defendant with a Request for the case  
5 file and discovery material. (See exhibit  
6 XIX).

7 On 1/7/08, Plaintiff Contacted Sharon  
8 Booker, via mail with the telephone  
9 number of defendant and with in-  
10 structions to have defendant to send  
11 plaintiff the case file and the dis-  
12 covery materials. (See exhibit XX.)

13 On 1/10/08, Plaintiff Contacted the  
14 California State Bar apprising them of  
15 the issues regarding the Repeated Re-  
16 quest plaintiff made to defendant  
17 about the case file and discovery  
18 material. Plaintiff also Requested the  
19 State Bar to Contact defendant to  
20 have her send plaintiff a copy of the  
21 case file and the discovery material.  
22 (See exhibit XXI).

23 On 1/25/08, Plaintiff was contacted by  
24 Sharon Booker, who stated that she  
25 called the number provided for attor-  
26 ney Gina Kerchaw, and that the num-  
27 ber was no longer in working order.  
28 See exhibit XXII).



Attached

On 1/27/08, Plaintiff contacted defense investigator Steve Stremel, Requesting that he provide plaintiff a copy of the discovery material, which was provided to him by defendant to conduct an investigation and that which he developed in the course of his investigation. (See exhibit XXIII).

On 1/28/08, Plaintiff contacted Judge John Tomberlin, Regarding a copy of the case file and discovery material. (See exhibit XXIV).

On 2/9/07, Plaintiff contacted Sharon Booker, asking her to call the defense investigator Steve Stremel, to have him to send plaintiff a copy of all of the discovery material he has Regarding plaintiff's case. See exhibit XXV).

On 2/29/07, Plaintiff was contacted by Sharon Booker, who Responded as such in exhibit XXVI.

On 3/13/07, Plaintiff contacted the Victorville Conflict panel, Regarding the efforts plaintiff had employed to Retrieve the case file and discovery material from defendant. Plaintiff also Requested that they provide a copy of the case file and discovery material

Attached

as soon as possible. (See exhibit XXVII).

On 4/10/08, Plaintiff Submitted a motion to the Superior Court of Victorville, For an Order to issue the case file. (See exhibit XXVIII).

On 4/15/08, The above-mentioned motion was Returned per Superior Court Clerk for the following. See exhibit XXIX).

On 4/15/08, Plaintiff Recontacted the Conflict Panel requesting that they provide plaintiff a copy of the case file and the discovery material. (See exhibit XXX).

On 4/21/08, Plaintiff Recontacted the Conflict Panel this time addressing the issue to file manager Christina Rodriguez, Regarding the case file and discovery material. (See exhibit XXXI).

On 4/24/08, Plaintiff Resubmitted the motion for case file and discovery material to the Victorville Superior Court for filing. (See exhibit XXXII).

On 4/29/08, Plaintiff was contacted by the California State Bar, Paralegal Lisa Mc Geo, who informed plaintiff that defendant had been advised to contact Plaintiff Regarding making the

Attached

1 Client file available to Plaintiff. (see  
2 exhibit XXXIII).

3 On 5/7/08, Plaintiff was notified  
4 by the Victorville Superior Court Clerk  
5 Marcia Ramirez, that the motion  
6 Plaintiff submitted for the case  
7 file was sent to appellate attorney  
8 Richard Schwartzberg, who happened  
9 to be the attorney of the co-defen-  
10 dant not Plaintiff. (See exhibit  
11 XXXIV).

12 On 5/14/08, Plaintiff contacted  
13 attorney Richard Schwartzberg, re-  
14 questing that he inform the Victor-  
15 ville Superior Court and Clerk that  
16 he is not Plaintiff's attorney. (See  
17 exhibit XXXV).

18 On 5/15/08, Plaintiff contacted the  
19 Victorville Superior Court and Clerk  
20 Marcia Ramirez. Informing both that  
21 Mr. Schwartzberg, was not Plaintiff's  
22 attorney. And that a hearing date  
23 should be set to hear Plaintiff's  
24 motion for the case file and dis-  
25 covey material. (See exhibit XXXVI).

26 On 5/15/08, Plaintiff contacted defen-  
27 dant regarding the case file, the con-  
28 tact of the State Bar and the arran-



Attached

1 attempts to retrieve the case file.  
2 (See exhibit XXXVII).

3 On 5/21/08, Plaintiff contacted  
4 Lisa McGeo, of the California State  
5 Bar as requested. Regarding defendant's  
6 failure to contact, plaintiff making  
7 the client file available within ten  
8 days after defendant was advised by  
9 the California State Bar. (See exhibit  
10 XXXVIII).

11 On 5/27/08, Plaintiff was notified  
12 by the Victorville Superior Court Clerk  
13 Marcia Ramirez, that plaintiff's motion  
14 for case file was denied for the  
15 following. (See exhibit XXXIX).

16 On 6/2/08 Plaintiff submitted a sup-  
17 plemental motion for case file with-  
18 drawing the fee waiver. (See exhibit  
19 XXXX).

20 On 6/2/08, Plaintiff contacted  
21 appellate attorney Mr. McPartland, inform-  
22 ing him of the efforts employed to  
23 retrieve the case file and discovery  
24 material. (See exhibit XXXXI).

25 On 6/7/08, Plaintiff was contacted  
26 by attorney Richard Schwartzberg,  
27 who responded to plaintiff's earlier  
28 contact. (See exhibit XXXXII).

On 6/7/08, Plaintiff was contacted by Mr. McParland who responded to plaintiff's earlier contact as follows (See exhibit xxxiii).

On 6/11/08, Plaintiff was notified by the Victorville Court Criminal Department Representative Joy Colly, who stated that documents of plaintiff's case file would be provided at (50) fifty cents a page. (See exhibit xxxiv).

On 6/26/08 Plaintiff contacted Lisa McGee, of the California State Bar, requesting that further action be taken against attorney Gina Keeshaw, for failing to turn over plaintiff's client file as advised to do so. (See exhibit xxxv).

On 7/14/08, Plaintiff received from the Victorville Criminal Department Representative Joy Colly, a thirty five page Chronological history and status of the case file, detailing the events which took place from 1/31/06 to 6/11/08, in plaintiff's case in the Superior Court. However there was no list nor mention of documents or materials from the discovery. (See exhibit xxxvi).

Attached

On 7/21/08, Plaintiff Contacted Joy Colly, Regarding a list of the discovery material held in plaintiffs Case file. See exhibit xxxvii ).

Plaintiff State that the witnesses, the evidentiary material, the documents, the exhibits and the other discovery Related material was developed for the defense of plaintiff at trial.

That this evidentiary material, the witnesses, the documents, the exhibits and the discovery Related material was not used in plaintiffs defense at trial.

That the discovery material developed by the San Bernadinos Sheriffs deputies and the detective department in the Course of their investigation. Was used to prepare a case against plaintiff and then later used to prosecute plaintiff. Of which met an incompetent Challenge at trial by defendant.

That plaintiff informed appellate attorney Mr. Mc Partland, that trial attorney Gina Keeshaw, failed to Call alibi witnesses who were in plaintiffs com-

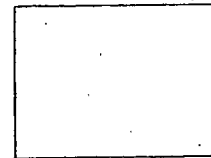
Attached

pany during the time of the incident, that defendant failed to call eyewitnesses who stated plaintiff was not the suspect they saw. That none of the evidence which would reveal plaintiff's innocence was presented at trial and that plaintiff requested that appellate attorney raise the issue of IAC on trial counsel in the direct appeal, which were repeatedly ignored.

That plaintiff requires the case file and the discovery material, in order to have an independent investigation conducted. To mount an affirmative challenge of the validity of plaintiff's conviction on the federal appellate level.

That defendant's failure to make the case file and discovery material available, is causing plaintiff to suffer a chilling effect by failing to meet the time restraints. As is specified in the Antiterrorism and Effective Death Penalty Act. Thereby violating plaintiff's substantial due process rights.

# EXHIBIT COVER PAGE



EXHIBIT

Description of this Exhibit:

Number of pages to this Exhibit: \_\_\_\_\_ pages.

JURISDICTION: (Check only one)

- ☐ Municipal Court
- ☐ Superior Court
- ☐ Appellate Court
- ☐ State Supreme Court
- ☒ United States District Court
- ☐ State Circuit Court
- ☐ United States Supreme Court
- ☐ Grand Jury

Exhibit I

REPORTER JEANNE HUBER  
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS

DEFENDANT IS ADVISED OF CONSTITUTIONAL AND STATUTORY RIGHTS. (AS ATTACHED AND INCORPORATED)

DEFENDANT ARRAIGNED.

PLEA INFORMATION

DEFENDANT PLEADS NOT GUILTY TO ALL COUNTS.

DEFENDANT DENIES SPECIAL ALLEGATIONS.

DEFENDANT DENIES ALL PRIORS.

ATTORNEY INFORMATION

COURT APPOINTS ATTORNEY CONFLICT PANEL.

COPY OF COMPLAINT AND DISCOVERY GIVEN TO DEFENSE COUNSEL.

HEARINGS

EARLY DISPOSITION HEARING SET FOR 11/07/2005 AT 9:30 IN DEPARTMENT V6

PRELIMINARY HEARING SET ON 11/09/2005 AT 9:50 IN DEPARTMENT V6.

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY

BAIL SET AT \$500000.00.

COMMITMENT ISSUED (PENDING)

ATTORNEY NOTIFIED.

DISTRICT ATTORNEY NOTIFIED.

===== MINUTE ORDER END =====

11/02/2005 1:30 PM DEPT. V14	IN CUSTODY ARRAIGNMENT	DISPOSED	ARRAIGNMENT
---------------------------------	------------------------	----------	-------------

Minutes

PATRICK L SINGER

CLERK MARY ANN CHAVEZ

MOTIONS

ON COURT'S OWN MOTION-CASE OFF CALENDAR.

DEFT REFUSED

CUSTODY STATUS

BENCH WARRANT TO REMAIN OUTSTANDING.

CASE CUSTODY - IN CUSTODY

===== MINUTE ORDER END =====

09/21/2005 3:33 PM	SECOND AMENDED COMPLAINT FILED		
08/19/2005 4:00 PM DEPT. WAR	EX PARTE HEARING RE: ARREST WARRANT	DISPOSED	

Minutes

Exhibit II

1 witnesses?

2 MR. FOY: Not today, your Honor.

3 THE COURT: Do you intend to have witnesses  
4 scheduled for tomorrow?

5 MR. FOY: For tomorrow, no.

6 THE COURT: Counsel approach.

7 (Whereupon the following proceedings were held at the  
8 bench out of the hearing of the jury:)

9 THE COURT: Are you going to rest or what?

10 MR. FOY: Well, that's one of the things I  
11 wanted to talk about was, I can. I could rest, but  
12 with contention on being able to reopen Monday,  
13 basically, if we can find Joe Nunez. Basically, I  
14 have one witness, Joe Nunez.

15 THE COURT: Do you plan on calling any  
16 witnesses?

17 MR. SHINDER: I do not.

18 MS. KERSHAW: I do, but I have them  
19 subpoenaed for Monday.

20 THE COURT: Can you get them here tomorrow?

21 MS. KERSHAW: I can try. They're people from  
22 the sheriff's department, and I also have a civilian  
23 witness, Mayleen Santiago.

24 THE COURT: Where is she?

25 MS. KERSHAW: I don't know. She's nearby  
26 somewhere. I don't know what her schedule is. I know  
27 she has children.

28 MR. SHINDER: Kay can baby-sit.

Andre Booker f 3521 Case 3:08-cv-01305-W-MC Document 1-2 Filed 08/22/2008 Page 4 of 88  
P.O. Box 240066  
RepreSa, Ca 95071

6/24/07

Re: Fv1023321

Attention Mr. Mc Partland,

Please Send me a copy of the transcripts and all other documents you may have, which relate to my case. Also what options are there in the event the appellate courts deny the appeal. Thank you,

Respectfully  
And Booker  
Andre Booker



*Law Office of**Exhibit IV***MICHAEL B. McPARTLAND****P.O. Box 13442****Palm Desert, CA 92255**

---

**(760) 772-8265****July 5, 2007**

Andre Ledon Booker F-30521  
P.O. Box 290066  
Repres, CA 95671-0066

Dear Mr. Booker:

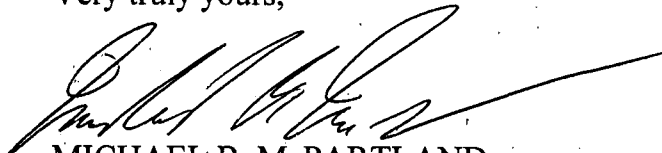
This letter is in response to your letter dated June 24, 2007.

With regards to your request for the trial record, I am not really done with it until the Court of Appeal issues its opinion. However, I probably will not need it again, so I will send it to you if you agree to send it back to me if further review of it becomes necessary. Please write me in this regard, and I will do what you request.

With regards to later options, if you lose in the Court of Appeal, and the California Supreme Court denies review, you can file a habeas petition in the federal district court raising any federal constitutional issues that were raised in the appeal. You can also file a habeas petition in the trial court raising claims that are not shown in the appellate record, such as ineffective assistance of trial counsel.

If you have any further questions, please write me.

Very truly yours,



**MICHAEL B. McPARTLAND**

**Attorney at Law**

MBM/mc

P.O. Box 290066  
RepreSa, Ca 95671

7/19/07

Re: FV1023321

Attention Mr. Mc Partland,

Please forward the trial Record and all other documents Related to my Case. I will be sure to Send you any and all documents back upon Request. Also Regarding the issue of IAC. There were several issues which took place on and out Side the Record. For instance, the trial attorney failed to call the alibi witnesses and the eye-witnesses. Also I have a document which states that the Chief Witness Darin Lansdown, Stated that he saw me Running with a purse in my hands and that the Co-defendant in the Case was Running with a gun in his hands, yet at trial and at the preliminary hearing the witness Lansdown, States that I was Running with the gun in my hand. While the Co-defendant was Running with a bag and a purse in his hands. This is information the attorney knew from the discovery material, yet under cross examination she Refused to ask the witness about these prior Statements and she Refused to impeach the witness based on these Statements and others. These are issues which need to be included in the direct appeal, Thank you,

Respectfully  
Andre Booker  
Andre Booker

Exhibit VI

**MICHAEL B. McPARTLAND**

**P.O. Box 13442**

**Palm Desert, CA 92255**

**(760) 772-8265**

**July 26, 2007**

Andre Ledon Booker F-30521  
P.O. Box 290066  
Represa, CA 95671-0066

Dear Mr. Booker:

This letter is in response to your letter dated July 19, 2007.

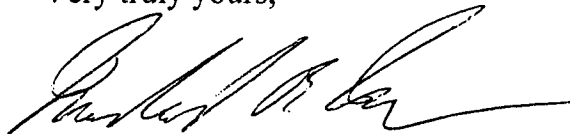
Enclosed please find your copy of the trial transcripts, as you requested. If I need them again, I will let you know.

With regards the copy of Lansdown's statement that you sent me, he only identified Johnson as "one of the suspects running from the scene with a gun in his hand." This is somewhat ambiguous, particularly since, in the other statement you sent me, Lansdown identifies you as "one of the suspects running from the scene with a purse in his hand." This may be the reason that your trial attorney refused to question Lansdown about this statement.

In any event, your trial attorney's failure to bring up this statement at trial would not raise an appellate issue, since it is not shown in the record. You would have to raise this issue with an ineffective assistance of counsel claim included in a habeas petition filed in the trial court.

If you have any further questions, please write me.

Very truly yours,



**MICHAEL B. McPARTLAND**

**Attorney at Law**

MBM/mc  
Encl

8/9/07

Re: Fv 1023321

Attention Mr. Mc Partland,  
Thanks for the trial transcripts, however  
where are the discovery documents? Please  
send those documents and a copy of the writ  
which was filed by the attorney for the co-  
defendant in my case. Thank you

Respectfully  
Andre Booker  
Andre Booker

Andre Booker #30521  
P.O. Box 290066  
Redwood, Ca 95671

Case 3:08-cv-01565-W-WMC

Document 1-2

Filed 08/22/2008

Page 9 of 88

Exhibit VIII

8/12/07

Re: E 040552

Attention Mr. McPartland,

I am not understanding why the issues I brought to your attention can not be raised in the direct appeal. My trial attorney stated on the record that she had witnesses from the Sheriff department Subpoena. The one alibi witness who did testify stated that there were other alibi witnesses there that day, whom the trial attorney didn't call in my defense. The victim Regina Chinna testified that there were eye witnesses, who came to her after the incident. The people's investigating officer stated that someone a witness had called (911) to report the incident, yet this witness was never heard by the jury as to what he or she saw. All these things happened on the record. I was under the notion that what happened in my trial, with regards to the jury instructions. Is a clear violation of my Constitutional rights. How can the courts rule other than in my favor based on those facts? Thank you.

Respectfully ~~Andre Booker~~

Law Office of

Exhibit IX

**MICHAEL B. McPARTLAND**

**P.O. Box 13442**

**Palm Desert, CA 92255**

**(760) 772-8265**

August 23, 2007

Andre Ledon Booker F-30521

P.O. Box 290066

Represa, CA 95671-0066

Dear Mr. Booker:

This letter is in response to your letters dated August 9, 2007, and August 12, 2007.

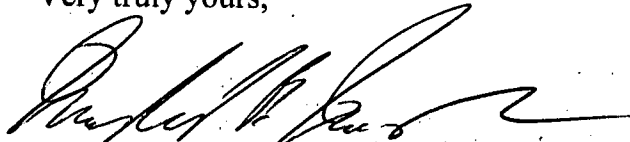
With regards to discovery documents, you need to contact your trial attorney to obtain such documents. With regards to a co-defendant's writ, if a writ was filed, I was not sent a copy.

With regards to a claim of ineffective assistance of counsel, I did not mean to imply that I saw such a claim. What I meant was that the appeal is based solely on the record on appeal, and I can not present evidence in the appeal that was not presented at trial. However, if you believe that your attorney rendered ineffective assistance of counsel based things that happened outside the record, you could file a petition for the writ of habeas corpus in the trial court on your own on the applicable form. I only handle cases in the appellate court, so I could not represent you in those habeas proceedings.

With regards to there being a reason that the appellate court will not rule in your favor, the appellate courts affirm ninety-five percent of all criminal convictions.

If you have any further questions, please write me.

Very truly yours,



**MICHAEL B. McPARTLAND**

**Attorney at Law**

MBM/mc



Law Office of

Exhibit X

**MICHAEL B. McPARTLAND**  
**P.O. Box 13442**  
**Palm Desert, CA 92255**

**(760) 772-8265**

September 5, 2007

Andre Ledon Booker F-30521  
P.O. Box 290066  
Represas, CA 95671-0066

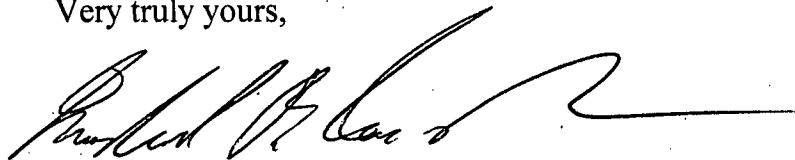
Dear Mr. Booker:

I regret to inform you that the Court of Appeal has upheld your convictions and sentence. I am sorry. However, I do intend to file a petition for review in the California Supreme Court in your case, which will be filed around the beginning of October. When the petition for review is filed, I will send you a copy.

I am enclosing a copy of the Court's opinion for your review.

If you have any further questions, please write me.

Very truly yours,



MICHAEL B. McPARTLAND  
Attorney at Law

MBM/mc  
Encl

F30521, B3-102  
P.O. Box 290066  
Revere, Ca 95671

9/6/07

Re: FV1023321

Attention Ms. Keeshaw,

Please send me a copy of my case file which holds the discovery material used by you and developed by the San Bernadino Sheriffs, detectives department and the investigator Steve Streemel. Thank you

Respectfully  
~~Andre Booker~~  
Andre Booker

Andre Booker #30521  
P.O. Box 290066  
Represa, Ca 95671

Case 9:08-cv-01565-W-WMC

Document 1-2

Filed 08/22/2008

Page 13 of 88

Exhibit 811

9/14/07

Re: E 040552, Fv 1023321

Attention Mr. McPartland,

The issues I brought to your attention regarding the failure of trial attorney to call the alibi witnesses and the eye witnesses in my defense. Is a strong Constitutional issue, which pertains to my right to a fair trial. Thus I ask you again to present these issues to the appellate courts. As I noticed in their denial of my direct appeal. Their position was based on the fact that there was no challenge to the evidence which was presented to establish guilt. However the trial attorney had available information in the form of documents and witnesses, to which to challenge the evidence presented by the prosecutor and as well to reveal information of my innocence, of which the jury never heard, because the trial attorney failed to present these witnesses and documents. I also ask that you contact Ms. Ker-Shaw and ask her for the discovery material. Thank you.

Respectfully  
Andre Booker

Andre Booker

P.O. Box 290066

Reprea, Ca 95671

Exhibit XIII

11/1/07

Re: E 040552, FV 1023321

Attention Mr. McPartland,

The issues I brought to your attention Regarding the failure of trial attorney to call the alibi witnesses and the eyewitnesses in my defense. Is a strong constitutional issue which I request that you raise in the direct appeal, As it pertains to my right to a fair trial. Also I need you to contact Ms. Kershaw, Regarding the discovery material. As she has ignored all of my request. Tell me can the jury use evidence from a count that I was found not guilty of, To use to find me guilty of another count? Also do I have to raise the same issues you raised in the event I pursued a writ to the superior court? Thank you.

Respectfully  
Andre Booker  
 Andre Booker

Law Office of

Exhibit XIV

**MICHAEL B. McPARTLAND**

**P.O. Box 13442**

**Palm Desert, CA 92255**

**(760) 772-8265**

November 12, 2007

Andre Ledon Booker F-30521

P.O. Box 290066

Represa, CA 95671-0066

Dear Mr. Booker:

This letter is in response to your letter dated November 1, 2007.

With regards to your question on ineffective assistance of counsel, I am enclosing a copy of my September 24, 2007 letter to you in which I answered that question. With regards to trial strategies or tactics, trial counsel's tactical decisions are all okay unless you establish that she made an unreasonable decision.

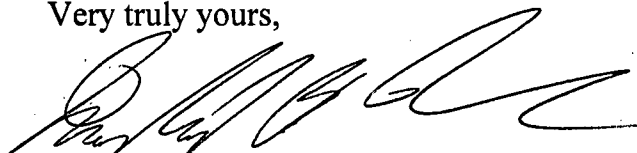
With regards to discovery documents, your trial attorney has an obligation to turn over your file to you, so you should send her a letter demanding that she send you what she has in her possession. I show her current address as: P.O. Box 662, Wrightwood, California 92397.

With regards to using evidence from a previous filing, yes this can be done.

With regard to a writ to the superior court raising IAC claims, this does not have to include issues raised on appeal, but is a separate proceeding. Issues raised in a federal habeas petition may only include claims previous raised in the California Supreme Court.

If you have any further questions, please write me.

Very truly yours,



**MICHAEL B. McPARTLAND**

**Attorney at Law**


MBM/mc

11/20/07

Re: FV1023321

Attention Ms. Kershaw,

I am contacting you again requesting that you turn over the case file, which held the discovery material. I appreciate your cooperation. Thank you.

Respectfully  


Andre Booker



Law Office of

Exhibit XVI

**MICHAEL B. McPARTLAND**  
**P.O. Box 13442**  
**Palm Desert, CA 92255**

**(760) 772-8265**

December 1, 2007

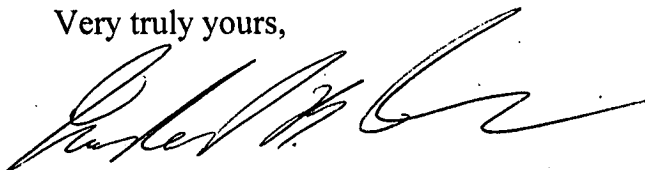
Andre Ledon Booker F-30521  
P.O. Box 290066  
Represa, CA 95671-0066

Dear Mr. Booker:

I regret to inform you that the Supreme Court has denied your petition for review. I am sorry. This ends your appeal unless you want to proceed on your own in the Federal Court system.

If you have any further questions, please write me.

Very truly yours,



**MICHAEL B. McPARTLAND**  
Attorney at Law

MBM/mc  
Encl

Andre Booker #20521  
P.O. Box 290066  
Riverside, Ca 95671

Case 3:08-cv-01563-W-WMC

Document 1-2

Filed 08/23/2008

Page 18 of 88

Exhibit XVII

12/7/07

Re: E040552

Attention Mr. Mc Partland,  
Would you pursue those issues, which you  
raised in the petition for review and in  
addition raise the issue of IAC on the  
federal level? Please inform me of your  
decision as soon as possible. Thank you

Respectfully  
Andre Booker

Andre Booker

Law Office of

EXHIBIT XVIII

**MICHAEL B. McPARTLAND****P.O. Box 13442****Palm Desert, CA 92255****(760) 772-8265**

December 15, 2007

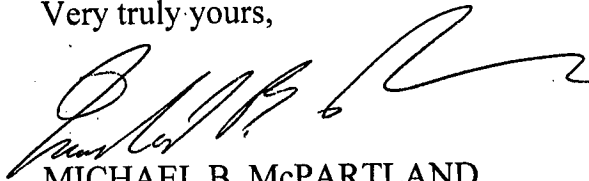
Andre Ledon Booker F-30521  
P.O. Box 290066  
Represa, CA 95671-0066

Dear Mr. Booker:

This letter is in response to your letter dated December 7, 2007.

I do not practice law in the federal courts. However, it is my understanding that you can raise issues in the federal district court by filing a petition for the writ of habeas corpus that were raised in the petition for review in the California Supreme Court and involved violations of the United States Constitution. So, I believe you could raise the same issue that I raised in the petition for review in the federal courts.

Very truly yours,

**MICHAEL B. McPARTLAND**

Attorney at Law

MBM/mc

Andre Booker #30521  
P.O. Box 290066  
Represa, Ca 95671

Case 3:08-cv-01565-W-WMC

Document 1-2

Filed 08/22/2008

Page 20 of 88

Exhibit XIX

12/20/07

Re: FV1023321

Attention Ms. Kershaw,

I Request that you send a copy of the case file and the discovery material as soon as possible. As I need these documents, in order to have an investigation conducted, so that I can pursue an appeal. Thank you.

Respectfully

Andre Booker  
Andre Booker

Andre Booker # 30521  
P.O. Box 2900 66  
Represa, Ca 9567

Case 3:08-cv-01565-W-WMC

Document 1-2

Filed 08/22/2008

Page 21 of 88

Exhibit XX

1/7/08

Dear Sharon, How are you and the rest of the family back there? I pray you and all are well. I tried calling earlier in the week. In hopes to speak with you concerning the matter of my previous lawyer Ms. Ker Shaw. I need you to call her at 760/955-1700 and ask her to send me a copy of the case file and the discovery material as soon as possible. I'll try to call again next week, if for some reason I don't catch you, write me and let me know what happened when you contacted the attorney. Alright Big Mama I'll be in touch. Love you  
Andre

Andre Booker #30521  
P.O. Box 290066  
Riverside, Ca 95671

Case 9:08-cr-01585-W-WMC

Document 1-2

Filed 08/22/2008

Page 22 of 88

Exhibit XXI

11/10/08

Re: Inquiry number 0727391

Attention Chief Trial Counsel,

In October of 07, I wrote to you requesting certain information regarding the arrest of Ms. Kershaw, and the arresting agency. To which there has been no response. Also I contacted Ms. Kershaw, via the mail on several occasions with request for the case file and discovery material. To which there has been no response. Therefore I ask that I be provided the information regarding the arrest, the arresting agency and that Ms. Kershaw, be contacted with regards to turning over the case file and the discovery material to me. Thank you.

Respectfully  
Andre Booker  
Andre Booker



Exhibit XXII

Jan 20-08

Hi André,

Hope you are well when this letter reaches you. I cry all the time because you don't deserve to be there. I got your letter the other day and called that number you gave me for your attorney Mr. Kershaw. That number is not working. Check to see if that was the right number and write me back as soon as you can. I love and miss you.

Big Mama Sharon

P.S. The number I have is 760 955-1700.

Andre Booker #30521  
P.O. Box 290066  
Repreosa, Ca 95671

Case 3:08-cv-01563-W-WMC

Document 1-2

Filed 08/22/2008

Page 24 of 88

Exhibit XXIII

1/27/08

Re: Case file #v1 023321

Attention Mr. Stenel,

Please send me copy of the discovery material, which was provided to you by Ms. Kershaw, and that which you developed during the course of your investigations. Thank you

Respectfully  
Andre Booker  
Andre Booker

Exhibit XXIV

P.O. Box, 290066  
Represca, Ca 95671

1/28/08

Re: fr1023321

Attention Judge John Tomberlin,  
I would care to request a copy of the  
case file and the discovery material.  
Thank you.

Respectfully  
Andre Booker  
Andre Booker

2/9/07

Hey Sharon, how are you and the family? I hope you and everyone are at their best. Listen I have heard back from the attorney, the State Bar, the Judge and the private investigator Steve, I wrote them all asking for a copy of the case file and the discovery material, So I can have an investigation conducted to locate the witnesses who can verify I was in their company during the time of the incident, I need you to call Steve Streamel for me at (760) 963-5877, ask him to send me a copy of all the discovery material he has with regards to my case. Here is the case number #1023321, Tell him to send these documents right away, as I'm in the appeal process and working with a limited amount of time. Thank you.

Love you  
Andre

Exhibit XXVI

Feb 29-08

Hi Andre

I got your letter and piece so happy to hear from you. I wrote and told you about my phone they put a block on it but when I come next month I'll try to get it off. I took care of that business for you and that man Steve said he doesn't work for those people anymore so he gave the brother no. and I called them it's called the Conflict Panel and you will have to write them for your information. The address is Conflict Panel, 14420 Civic Dr. Suite #8 Victorville Calif. 92392. And I called the Chief Trial Counsel and I had to give them your letter that said that you give me the permission to ask about your claim and they said they would call me back but I have not heard anything from them now their fax no is (213-765 1168). That's why I haven't wrote back yet, but I'll see them everyday until someone tells me something. Will you know Al went back to Detroit and your mom is taking it real hard he said he could not do it

(3,

as soon as possible that proves to  
great. Carol & Larra said you called  
but they were at work you have to  
call if possible in the daytime. I am  
off on Thursdays & Fridays. Well I guess  
I'll close now but I'll write you as soon  
as I hear from the Chief Clerk.

I love you.  
Dij Murrey  
(A. L. L. L.)



Andre Booker #30521  
P.O. Box 290066  
RepreSa, Ca 95671

Case 3:08-cv-01565-W-WMC

Document 1-2

Filed 08/22/2008

Page 29 of 88

Exhibit XXVII

3/13/08

Re: FV1023321

Attention Conflict Panel,

I, Andre Ledon Booker, was represented by Gina Kershaw, a member of the conflict panel during 05 and 06. I am in the appeal process and in need to conduct an investigation. I have Repeatedly Requested that Ms. Kershaw, turn over the case file and discovery material as soon as possible. To no avail, I am under the (AEDPA) Antiterrorism and Effective Death Penalty Act time constraints. With (300) three hundred days left to pursue an appeal on the Federal level, I was informed by Private Investigator Steve Stremel that your department has a copy of the case file and the discovery material. Therefore I Request that I be provided a copy of those discovery documents, in order to have an investigation conducted and that I can adequately pursue an appeal. Thank you for your cooperation.

Respectfully  
Andre Booker  
Andre Booker

Exhibit XXVIII

1 Andre Ledon Booker, #30521  
 2 P.O. Box 290066, Bl-108  
 3 Represa, Ca 95071  
 4 Petitioner In Pro Se

5  
 6  
 7  
 8  
 9 In The Superior Court of  
 10 California County of San Bernardino  
 11 Victorville Branch  
 12

13 Andre Ledon Booker,  
 14 Petitioner,

15 v.

16 People Of The State Of California,  
 17 Respondent  
 18

Case NO: FVI023321  
 )  
 ) Petitioner Request  
 ) Court To Issue  
 ) An Order For  
 ) Case File And  
 ) Waiver Of Court  
 ) Fees And Costs  
 ) Ex parte:

19 To The Honorable Judge John  
 20 Tomberlin.

21 Notice is hereby given that on the date  
 22 determined by the Court, or as soon  
 23 thereafter. As the matter may be heard  
 24 in Department v-2 of the above en-  
 25 titled Court. The petitioner, Andre Ledon  
 26 Booker, will move the Court for an  
 27 order. Directing the Court Clerk  
 28 to provide petitioner with a copy

(1)

1 of the Requested Case file. Which was  
2 previously used by the deputy district  
3 attorney David Foy. And the attorney  
4 of Record Gina Kershaw as materials  
5 of discovery in Case number FV1023321.

6 This motion is based upon this notice,  
7 Petitioners Appellate Rights, the files and  
8 Records of this case. Along with petitioners  
9 declaration and any evidence or arguments  
10 to be presented at the hearing. According  
11 to California Rules of Court 33(a) and 35(b).

12  
13 Dated April 10, 2008



14 Andre Booker



**Superior Court of California  
County of San Bernardino**

VICTORVILLE DISTRICT - CRIMINAL DIVISION  
14455 Civic Drive  
Victorville, CA 92392



TRESSA S. KENTNER  
COURT EXECUTIVE OFFICER

PHONE (760) 245-6215  
FAX (760) 243-8794

04/15/08

Andre Booker #P30521  
PO Box 290066, B1-108  
Represa CA 95671

RE: enclosed documents for FVI023321

Your documents are being returned as there was not a proof of service for the District Attorneys' office for the hearing date. You will have to choose a new date when you send the documents again.

Sincerely,

*Marcia S. Ramirez*  
Marcia S. Ramirez  
LPAII

Andre Booker P30521  
Case 3:08-cv-01563-W-WMC  
P.O. Box 290066  
Reprosa, Ca 95671

Document 1-2

Filed 08/22/2008

Page 33 of 88

Exhibit xxx

4/15/08

Re: Fv1023321

Attention Conflict Panel

This is the second Request for the case file and discovery material. I would appreciate a response. As I need these materials to have an investigation conducted to locate witnesses who can verify I was in their company during the time of the incidents. Thank you.

Respectfully

Andre Booker

Andre Booker

P.O. Box 290066  
Represa, Ca 95671

Exhibit XXXI

4/21/08

Re: FV1023321

Attention Christina Rodriguez,  
I, Andre Booker, have made several  
contacts via the mail with your department, requesting the case file and discovery  
material. I was informed that you were  
OR are the file manager. Therefore would  
you provide a copy of the case file and  
the discovery material at cost to me?  
Please notify me of your decision as soon as  
possible. Thank you.

Respectfully  
Andre Booker  
Andre Booker

P.O. Box 290066  
RepreSa, Ca 95671

Exhibit XXXII

4/24/08

Re: FV1023321

Attention Clerk,

I am Resubmitting this motion for case file and discovery material, with the requested corrections. Thus I ask that this motion be filed. Thank you.

Respectfully

Andre Booker

Andre Booker



Exhibit XXXIII

THE STATE BAR  
OF CALIFORNIA

1149 SOUTH HILL STREET, LOS ANGELES, CALIFORNIA 90015-2299

OFFICE OF THE CHIEF TRIAL COUNSEL  
INTAKE

TELEPHONE: (213) 765-1000  
TDD: (213) 765-1566  
FAX: (213) 765-1168  
<http://www.calbar.ca.gov>

April 29, 2008

Andre Booker  
F30521  
P.O. Box 290066  
Represa, CA 95671

RE: Inquiry Number: 08-14225  
Respondent: Gina L. Kershaw

Dear Mr. Booker:

You have complained that Gina L. Kershaw has been discharged and not returned your documents to you. Your complaint concerns us. However, it is hoped that bringing your complaint to the attorney's attention will resolve this matter.

We have advised the attorney to contact you within ten (10) working days from the date of this letter, regarding the availability of your client file. Under the Rules of Professional Conduct, the attorney is not required to mail or deliver the file to you. Whether you, or a designee, pick up the file from the attorney's office or the attorney mails the file to you, is a decision to be made between you and the attorney.

Should the attorney fail to contact you within the specified time, please recontact the State Bar. At that time, we will determine if further action is needed.

At this time, your complaint file is being closed, without prejudice.

Very truly yours,

Lisa McGeo  
Paralegal

/lm



**Superior Court of California  
County of San Bernardino**

VICTORVILLE DISTRICT - CRIMINAL DIVISION  
14455 Civic Drive  
Victorville, CA 92392



TRESSA S. KENTNER  
COURT EXECUTIVE OFFICER

PHONE (760) 245-6215  
FAX (760) 243-8794

05/07/08

Andre Booker #F-30521  
PO Box 290066, CSP-SAC  
Represa CA 95671

Re: Petition on case FVI023321

This is to notify you that a copy of the petition has been sent to your  
appellate attorney, Richard Schwartzberg.

Sincerely,

*Marcia S. Ramirez*  
Marcia S. Ramirez  
LPAII

P.O. Box 290066  
Reposa, Ca 95671

Exhibit xxxv

5/14/08,

Re: Fv1023321

Attention Mr. Schwartzberg,

I was informed by the Victorville Superior Court Clerk Marcia Ramirez, That the motion I submitted for case file and discovery material was forwarded to you, I therefore request that you inform the Superior Court and the Clerk that you are not my attorney and that you have never represented me at any time. Thank you,

Respectfully  
Andree Booker  
Andree Booker

Andre Booker #30521  
P.O. Box 290066  
Represa, Ca 95671

Exhibit XXXVI

5/15/08

Re: FV1023321

Attention Ms. Ramirez,

I, Submitted a motion for Case file and discovery material with the Victorville Superior Court. I am the attorney of Record Proceeding in pro se. I have no appellate attorney. Richard Schwartzberg has never Represented me. I therefore Request that a hearing date be set, to hear the motion for Case file and discovery material. Thank you.

Respectfully  
Andre Booker  
Andre Booker

P.O. Box 290066  
RepreSa, Ca 95671

5/15/08

Re: #V1023321

Attention Ms. Kershaw,

I was contacted by the California State Bar. Who informed me that you were advised to contact me regarding the availability of the Client file. I would care to make arrangements as soon as possible to retrieve the case file. You can either contact me or my aunt Lorna Radley at 760/947-5374, concerning the arrangements. Thank you,

Respectfully  
Andre Booker

Andre Booker

Andre Booker #30521  
Case 3:08-cv-01665-W-VMC  
P.O. Box 290066  
ReproSci, Ca 95671

Exhibit xxxviii

5/21/08

Re: 08-14225

Attention Ms. McGee,

I wrote Ms. Kershaw, several letters requesting that she contact me with the arrangements making the case file available. I have not as of this writing received a response, I therefore request that Ms. Kershaw, be contacted again regarding making the case file available as soon as possible. Would you have Ms. Kershaw, turn the case file over to your department. That I could retrieve the case file from you? Thank you.

Respectfully  
Andre Booker  
Andre Booker



**Superior Court of California  
County of San Bernardino**

VICTORVILLE DISTRICT – CRIMINAL DIVISION  
14455 Civic Drive  
Victorville, CA 92392



TRESSA S. KENTNER  
COURT EXECUTIVE OFFICER

PHONE (760) 245-6215  
FAX (760) 243-8794

05/27/08

Andre Booker #P30521  
PO Box 290066  
Represa CA 95671

Re: FVI023321 –waiver of costs

Your correspondence was resubmitted to Judge Tomberlin. It was denied again as fee waivers are in the jurisdiction of the Court of Appeals when you are pro per.

Sincerely,

*Marcia S. Ramirez*  
Marcia S. Ramirez  
LPAII



Exhibit xxx

1 Andre Ledon Booker  
2 P.O. Box 290066  
3 Represa, Ca 95671  
4 Plaintiff In Pro Se  
5  
6  
7  
8

9 In The Superior Court Of California  
10 County Of San Bernadino  
11 Victorville Branch  
12

13 Andre Ledon Booker,  
14 Plaintiff,

15 v.

16 People Of The State Of California,  
17 Defendant  
18  
19  
20

Case NO: FVI023321  
Plaintiff's Notice  
Of Supplemental  
motion To Withdraw  
Order For Waiver  
Of Court Fees And  
Cost.

21 TO The Honorable Judge John  
22 Tomberlin.

23 Notice is hereby given that on  
24 the date to be determined by the  
25 court, That this matter be heard in  
26 department v-2. Plaintiff Andre Ledon  
27 Booker, will move the court with  
28 a Supplemental motion. Requesting


(1.)

1 this Court to allow plaintiff to  
2 withdraw the previous order direc-  
3 ting the Court Clerk to prepare  
4 a copy of plaintiff's case file  
5 without cost or fee. Plaintiff de-  
6 clares that he is now able to pay  
7 the cost for a copy of plaintiff's  
8 case file and as such no longer  
9 request this Court to issue an  
10 order waiving fees. Plaintiff there-  
11 fore request that this Court  
12 issue an order directing the  
13 clerk to prepare a copy of plain-  
14 tiff's case file at plaintiff's  
15 expense.

16 Wherefore, Plaintiff Respectfully  
17 request that this Supplemental motion  
18 for case file be granted.

19  
20  
21 Respectfully Submitted

22  
23  
24 Dated: 6-02-08

25   
26 Plaintiff  
27  
28

P.O. Box 290066  
Repreña, Ca 95671

Exhibit XXXX1

6/2/08

Re: FV1023321

Attention Mr. Mc Partland,

I have contacted the trial attorney Ms. Kershaw, with a series of Request for the case file and discovery material over a eight month period. The State Bar has advised Ms. Kershaw, to turn over the case file. I have Submitted a motion to the Victorville Superior Court for the case file, All to no avail. Therefore I ask would you contact Ms. Kershaw, Regarding the case file, to Retrieve it on my behalf? I will pay the cost of Shipping on both ends. Thank you.

Respectfully  
Andre Booker

Andre Booker

Exhibit XXXXII

The Law Office Of

**RICHARD L. SCHWARTZBERG**

*601 Van Ness Avenue, Suite E-728, San Francisco, California 94102*

June 7, 2008

Mr. Andre Booker  
CDC number P-30521  
New Folsom State Prison  
Post Office Box 290066  
Represa, California 95671-290066

Dear Mr. Booker:

I did not receive anything from the clerk. Please redirect your correspondence to your appellate or trial attorney.

Sincerely,



RICHARD SCHWARTZBERG

RLS/p

*Law Office of*

**MICHAEL B. McPARTLAND**

**P.O. Box 13442**

**Palm Desert, CA 92255**

**(760) 772-8265**

June 7, 2008

Exhibit XXXXIII

Andre Ledon Booker F-30521  
P.O. Box 290066  
Represa, CA 95671-0066

Dear Mr. Booker:

You need to contact your trial attorney or the State Bar to get your trial attorney's file.  
The appeal is over, and I am no longer representing you.

Very truly yours,



MICHAEL B. McPARTLAND

Attorney at Law

MBM/mc

Exhibit XXXIV

**Superior Court of California  
County of San Bernardino**

**VICTORVILLE DISTRICT – CRIMINAL DIVISION  
14455 Civic Drive  
Victorville, CA 92392**

TRESSA S. KENTNER  
COURT EXECUTIVE OFFICER

PHONE (760) 245-6215  
FAX (760) 843-1754

June 11, 2008

Andre Ledon Booker  
P. O. Box 290066  
F30521, B3102  
Reprosa, CA 95671

Re: FVI023321

Dear Mr. Booker;

We have received your motion to withdraw order for waiver of court fees and costs for copies of your file. No order from the Court is necessary for the clerk's office to provide you copies of your file.

Please specify which documents you require us to copy and we will count the pages giving you a total amount due at a rate of \$.50 a page.

If you should have any questions please contact the court at the number above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joy L. Colly".

Joy L. Colly

LP/II

Criminal Dept.

P.O. Box 290066  
Repreza, Ca 95671

Exhibit xxxv

6/26/08

Re: 08-14225

Attention Lisa McGee,

I have contacted Ms. Kershaw, with a series of request for the case file and discovery material. That I can have an independent investigation conducted to locate several witnesses and to have evidence examined and or analyzed. That I can continue on in the appellate process on the federal level. Therefore I ask that further action be taken against Ms. Kershaw, in effort to have Ms. Kershaw, produce the case file and discovery material as soon as possible. Thank you,

Respectfully  
Andre Booker  
Andre Booker



Andre Booker #30521

Case 3:08-cv-01565-W-WMC

Document 1-2

Filed 08/22/2008

Page 50 of 88

P.O. Box 290066

RepreSia, Ca 95671

Exhibit xxxvi

7/8/08

Re: Fv1023321

Attention Joy Colly.

I Received your notification of the cost for the documents in the case file. However I need an itemized list of what documents are in the file and a number count of the pages. Thank you

Respectfully

Andre Booker

Andre Booker

OTSCASPT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 1

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE : 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant : BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

Date Filed : 01/17/06

District Attorney : DAVID FOY Continuances: 3  
Defense Attorney : CONFLICT PANEL-BY GINA KERSHAW Age in Days : 105  
Custody Status : INCUSTODY - Bail: 500,000.00 Last Trial : 04/01/06

Charge Information  
-----

Ct			Plea	Status	Sev
001	ARREST 211 PC	ROBBERY	None		F
001	INFOR 211 PC (2nd)	ROBBERY	NG	Convict	F
002	INFOR 245(A)(2) PC	ASSAULT WITH FIREARM ON PERSON	NG	Acquitt	F
003	INFOR 664/215(A) PC	ATTEMPTED CARJACKING	NG	Acquitt	F
	DH 12022.53(B) PC	USED FIREARM DURING FELONY	Deny	Stricken	
	UG 12022.5(A) PC	USED A FIREARM	Deny	Stricken	
004	INFOR 12021(A)(1) PC	FELON/ADDICT/ETC POSSESS FIREA RM	NG	Convict	F
	INFPR1 667(A)(1) PC	SERIOUS FELONY WITH PRIOR CONV OF FOR SERIOUS FELONY	Deny	True	F
	INFPR2 667(A)(1) PC	SERIOUS FELONY WITH PRIOR CONV OF FOR SERIOUS FELONY	Deny	True	F
	INFPR3 667(A)(1) PC	SERIOUS FELONY WITH PRIOR CONV OF FOR SERIOUS FELONY	Deny	True	F
	INFPR4 667(A)(1) PC	SERIOUS FELONY WITH PRIOR CONV OF FOR SERIOUS FELONY	None	True	F

1170.12(A)-(D) P ALLEGED PRIOR/STRIKE  
1170.12(A)-(D) P ALLEGED PRIOR/STRIKE  
1170.12(A)-(D) P ALLEGED PRIOR/STRIKE  
1170.12(A)-(D) P ALLEGED PRIOR/STRIKE  
1170.12(A)-(D) P ALLEGED PRIOR/STRIKE  
1170.12(A)-(D) P ALLEGED PRIOR/STRIKE  
1170.12(A)-(D) P ALLEGED PRIOR/STRIKE  
1170.12(A)-(D) P ALLEGED PRIOR/STRIKE  
1170.12(A)-(D) P ALLEGED PRIOR/STRIKE  
1170.12(A)-(D) P ALLEGED PRIOR/STRIKE

Disposed Cases  
-----

Case Number	Expires	Convicted/Warrant Charges	Status
FVI022315	00/00/00		Closed
705319AB	00/00/00	I22350 VC	Closed
28398VSAB	00/00/00		Closed

OTSCASPR  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 2

-----

CASE NUMBER:	FVI023321	DEFENDANT STATUS:	Active
ARREST NBR :		ARREST DATE .....	8/03/05
ARREST AGY :	CITY OF VICTORVILLE/VI		
Defendant ..	BOOKER, ANDRE LEDON		
		Defn :	1 of 2

=====

TTP Status	Fine Amount	Amount Paid	Amount Due	Date To Pay
N/A				00/00/00

## Case Action Information

Action	Div	Description	Status
6/11/08		Letter dated 06/02/2008 received from DEFENDANT re: COPIES	
5/27/08		IS IN JURISDICTION OF COURT OF APPEALS	
		DEFT NOTIFIED HIS TYPE OF REQUEST	
5/21/08		Letter dated 05/19/2008 received from DEFT re: PREVIOUS CORRES	
5/07/08		REFERRED TO APPELLATE ATTY-DEFT NOTIFIED	
		PER JUDGE TOMBERLIN DEFT'S PETITION	
5/02/08		FEES & COSTS FILED 05/01/08	
		AN ORDER FOR CASE FILE & WAIVER OF COURT	
		PETITIONER'S REQUEST FOR COURT TO ISSUE	
4/15/08		WAS NOT A PROOF OF SERVICE FOR DA	
		RETURNED CORRES TO DEFT AS THERE	
1/28/08		deft atty notified	
1/02/08		REMITTITUR RECEIVED AND SENT TO DEPARTMENT V2	
12/13/07		Case sent to: LONETTE'S DESK.	
12/06/07		Remittitur Filed.	
		Forwarded REMITTITUR to VICTORVILLE	
9/21/07		OPINION RECEIVED AND SENT TO DEPARTMENT V2	
8/30/07		Forwarded OPINION to VICTORVILLE COURTHOUSE	
8/28/07		Opinion filed	
4/20/07		CERTIFIED COPY OF PRIOR PKT SENT TO D.O.C..	
12/04/06		Court Initiated 8715 Printed.	

OTSCASPR  
7/14/08

SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 3

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE . . . : 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant . : BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

10/10/06 Order for Augmentation of the Record on Appeal  
received from the Court of Appeal. \*\*\*  
-----  
8/17/06 Case sent to: CASE FILED IN FAT FILES BY COPIER.  
-----  
8/07/06 RECORD ON APPEAL SENT TO ALL PARTIES.  
-----  
Notice of delivery and certification of  
transcripts on appeal filed.  
-----  
Case sent to: victorville/criminal.  
-----  
8/03/06 Reporter's Transcript on Appeal and bill received  
on this date.  
-----  
8/02/06 CPYS OF EXBS SENT TO APPEALS/JOSEPHINA  
-----  
7/06/06 Received Appointment of MICHAEL B. McPARTLAND as  
Appellant's Counsel.  
-----  
6/13/06 Case sent to: appeals via courier on 061606.  
-----  
6/07/06 CERTIFIED COPY OF AMENDED MINUTE ORDER & ABSTRACT  
SENT TO DOC.  
-----

6/06/06 V2 RESTITUTION HEARING Dispo  
JUDGE JOHN M TOMBERLIN  
Clerk DeeAnn Mattke  
Reporter SHAWNA MANNING  
Deputy District Attorney DAVID FOY present.  
Attorney CONFLICT PANEL-BY GINA KERSHAW present.  
Defendant present in custody.

-----  
PROCEEDINGS

Court has read and considered Probation Memo  
dated 06/06/2006  
-----

MOTIONS

PEOPLE'S Motion TO ORDER RESTITUTION is GRANTED.  
Restitution fine imposed in the sum of \$50471.46  
pursuant to 1202.4PC, payable to the victim  
REGINA CHHINA to be collected by Department of  
Corrections.  
Restitution fine imposed in the sum of \$140.00  
pursuant to 1202.4PC, payable to the victim  
VICTIM COMPENSATION BOARD to be collected by  
Department of Corrections.  
JOINT & SEVERAL AS TO EACH DEFENDANT  
COURT RETAINS JURISDICTION ON ANY REMAINING  
RESTITUTION PURSUANT TO PC1202.46  
-----

OTSCASPT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 4

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE : 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant : BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

## CUSTODY STATUS

Case Custody - State Prison

Probation Office notified.

===== MINUTE ORDER END =====

6/02/06

PROBATION OFFICER'S MEMO FILED 06/02/2006.

Case sent to: V2 FOR 6-6-06.

V2

## RESTITUTION HEARING

Dispo

JUDGE JOHN M TOMBERLIN

Clerk Vickie Lovasco

Reporter SHAWNA MANNING

Deputy District Attorney DAVID FOY present.

Attorney CONFLICT PANEL-GINA KERSHAW BY J SPRING  
present.

Defendant in custody - Not transported.

## PROCEEDINGS

STIPULATED Motion FOR CONTINUANCE is GRANTED.

DEFENDANT'S PRESENCE WAIVED FOR TODAY'S HEARING SO  
THAT COURT AND COUNSEL MAY DISCUSS ISSUE OF  
VICTIM'S PRESENCE ON 6-6-06 - VICTIM PRESENT

## HEARINGS

Hearing continued to 06/06/2006 at 8:30 in  
Department V2.

Defendant ordered to appear on hearing date.

## CUSTODY STATUS

Case Custody - State Prison

Commitment Issued (Pending)

===== MINUTE ORDER END =====

5/30/06

PROBATION OFFICER'S MEMO FILED 05/30/2006:

Forwarded MEMO to V2

5/24/06

PRISON PACKET PREPARED/FORWARDED TO WEST VALLEY  
DETENTION CTR FOR DELIVERY TO DEPT OF CORRECTIONS

ABSTRACT OF JUDGMENT-PRISON COMMITMENT FILED.

5/23/06 V2

## MOTION RE: CLARIFICATION OF SENTENCE

Dispo

JUDGE JOHN M TOMBERLIN

Clerk Vickie Lovasco

Reporter NOT REPORTED

Deputy District Attorney DAVID FOY present.

Attorney CONFLICT PANEL-GINA KERSHAW NOT present.

OTSCASPT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 5

-----

CASE NUMBER:	FVI023321	DEFENDANT STATUS:	Active
ARREST NBR :		ARREST DATE .....	8/03/05
ARREST AGY :	CITY OF VICTORVILLE/VI		
Defendant .:	BOOKER, ANDRE LEDON	Defn :	1 of 2

=====

## PROCEEDINGS

PEOPLE'S Motion TO CORRECT DA'S CLERICAL ERROR is GRANTED.

-

DEFENDANT WAS SENTENCED ON 4 PRIORS - 4TH PRIOR WAS NOT ON COMPUTER - 4TH PRIOR HAS ADDED TO THE COMPUTER.

-

## CUSTODY STATUS

Case Custody - State Prison

===== MINUTE ORDER END =====

-----

Hardcopy DSL 290 Commitment Abstract Printed

5/17/06

-----

CLERK'S NOTIFICATION OF FILING OF NOTICE OF APPEAL SENT.

-----

Notice of Appeal Filed 05/17/2006

5/16/06 V2

## SENTENCING

Dispo

JUDGE JOHN M TOMBERLIN

Clerk Vickie Lovasco

Reporter DENISE STAKES

Deputy District Attorney DAVID FOY present.

Attorney CONFLICT PANEL-GINA KERSHAW present.

Defendant present in custody.

-

## PROCEEDINGS

Action came on for MOTION TO STRIKE PRIORS.  
COURT HAS READ AND CONSIDERED SUBMITTED DOCUMENTS.

-

Argument presented by counsel for THE DEFENSE.

Argument presented by counsel for THE PEOPLE.

-

DEFENSE Motion TO STRIKE PRIORS is DENIED.

-

## PROCEEDINGS

Court has read and considered Probation Officer's Report.

Defendant waives formal arraignment for pronouncement of judgment and states there is no legal cause why judgment should not now be pronounced.

Probation is DENIED and sentence is imposed as follows:

-

## FINDINGS/ADVISALS:

Court fully advises Defendant of Parole Rights.  
Pursuant to Sect 13350 VC, the Court finds a motor vehicle WAS used in the commission of the

OTSCASPT  
7/14/08

SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 6

CASE NUMBER: FVI023321  
ARREST NBR :  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON

DEFENDANT STATUS: Active  
ARREST DATE . . . : 8/03/05

Defn : 1 of 2

=====  
offense specified in Count(s) 1  
Court finds Defendant is NOT able to reimburse  
the County for attorney fees.  
The Court finds that the Defendant does not have  
the present ability to pay the cost of conducting  
the pre-sentence investigation and preparing \*\*\*  
the report pursuant to Section 1203.1(b) of the  
Penal Code. \*\*\*  
Court finds that the defendant is NOT liable for  
payment of booking fees.  
The Court finds that the Defendant does not have  
the ability to pay probation supervision fees  
pursuant to Section 1203.1(b) of the Penal Code.  
\*\*\*  
Pursuant to PC296(a)(1) the Sheriff is directed  
to obtain the required samples from the defendant  
unless the Sheriff verifies that a PC296 sample  
has  
been previously obtained from the defendant and  
is currently on file.  
Court orders buccal collection of DNA sample  
pursuant to PC296  
Weapon ordered disposed of pursuant to PC12028(a).  
Restitution Fine imposed in sum of \$10000.00  
pursuant to 1202.4 PC, payable to Restitution  
Fund to be collected by Department of  
Corrections.  
Restitution Fine imposed in the sum of \$10000.00  
pursuant to 1202.45 PC; stayed pending successful  
completion of parole.  
Court retains jurisdiction on issue of  
restitution pursuant to PC1202.46.  
-

SENTENCING INFORMATION

Sentenced per PC1170.12(c)(1) / 667(e)(1)  
Sentenced per PC1170.12(c)(2) / 667(e)(2)  
As to Count 1 the court imposes the indeterminate  
sentence of 25 years to Life.  
Principal count deemed Count # 1.  
As to prior 1, the Court imposes 5 years and 0  
months.  
Prior # 1 to run consecutive to sentence imposed  
in Count 1.  
As to prior 2, the Court imposes 5 years and 0  
months.  
Prior # 2 to run consecutive to sentence imposed  
in Count 1.  
As to prior 3, the Court imposes 5 years and 0  
months.  
Prior # 3 to run consecutive to sentence imposed  
in Count 1.



OTSCASPT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 7

CASE NUMBER: FVI023321

DEFENDANT STATUS: Active

ARREST NBR :

ARREST DATE ..... 8/03/05

ARREST AGY : CITY OF VICTORVILLE/VI

Defendant .: BOOKER, ANDRE LEDON

Defn : 1 of 2

As to prior 4, the Court imposes 5 years and 0 months.

Prior # 4 to run consecutive to sentence imposed in Count 1.

As to Count 4 the court imposes the indeterminate sentence of 25 years to Life.

654 PC stay GRANTED on Count(s) 4.

Sentenced to State Prison for a total term of 45 years and 0 months.

Credit for timed served ( 197 actual + 29 conduct) for a total of 226 days.

DEFENSE Motion FOR BAIL is DENIED.

## HEARINGS

Restitution Hearing set for 06/02/2006 at 8:30 in Department V2.

Defendant ordered to appear on hearing date.

## REFERRAL

Referred to Probation Office for Memo re Restitution.

## CUSTODY STATUS

Case Custody - State Prison

Defendant remanded to the custody of the Sheriff to be delivered to California Department of Corrections at CHINO.

Probation Office notified.

==Minute Order changed or corrected by V LOVASCO to dispo hearing; Changes made are as follows:

COURT REPORTER DENISE STAKES==

=====MINUTE ORDER CORRECTED ON 06/01/2006=====

5/15/06

PROBATION OFFICER'S REPORT FILED 05/15/2006

PEOPLES OPPOSITION TO DEFT MTNS FILED

4/26/06

COPY OF letter SENT TO conflict panel.

Letter dated 04/17/2006 received from defendant re: sentencing

4/25/06 V2

## SENTENCING

Dispo

JUDGE JOHN M TOMBERLIN

Clerk Vickie Lovasco

Reporter SHAWNA MANNING

Deputy District Attorney DAVID FOY present.

Attorney CONFLICT PANEL-KALRRI GAHNAL present.

Defendant present in custody.

OTSCASPT  
7/14/08

SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 8

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE . . . : 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

-  
PROCEEDINGS

PROBATION'S Motion FOR CONTINUANCE is GRANTED.

-  
HEARINGS

Hearing continued to 05/16/2006 at 8:30 in  
Department V2.  
Defendant ordered to appear on hearing date.  
Defendant waives time for Sentencing.

-  
CUSTODY STATUS

Case Custody - In Custody  
Probation Office notified.

===== MINUTE ORDER END =====

4/20/06

PROBATION OFFICER'S MEMO FILED 04/20/2006.

-----  
Forwarded MEMO REQUESTING CONTINUANCE to V2

-----  
Forwarded request to v2

-----  
deft's request for dismissal filed

4/18/06

MOTION TO STRIKE "STRIKE PRIORS" FILED 04/18/2006

4/17/06

Case sent to: V2 FOR 4-25-06 HEARING.

3/22/06

EXHIBITS/RECORDS RECEIVED 03/22/2006 FROM  
COURTROOM CLERK

3/16/06 V2

JURY TRIAL (DELIBERATIONS)  
JUDGE JOHN M TOMBERLIN  
Clerk Vickie Lovasco  
Reporter SHAWNA MANNING  
Deputy District Attorney DAVID FOY present.  
Deputy Public Defender EARL SHINDER present  
Defendant present in custody.

Dispo

-  
PROCEEDINGS

10TH DAY OF TRIAL.

-  
8:50

Jury CONTINUES deliberations 8:50.

-  
10:25

Court reconvenes; all parties present.

JURY PRESENT

-  
10:27

VERDICT READ BY COURT CLERK

OTSCASPT  
7/14/08

SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 9

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE ..... 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

10:36  
Polling of Jurors waived.

-  
VERDICT

We the Jury in the above-entitled action, find the defendant ANDRE BOOKER, GUILTY in Count 1, a violation of Section 211 PC.

We the Jury in the above-entitled action, find the Defendant, ANDRE BOOKER, NOT GUILTY, in Count 2, a violation of Section 245(A)(2) PC.

We the Jury in the above-entitled action, find the Defendant, ANDRE BOOKER, NOT GUILTY, in Count 3, a violation of Section 664/215(A) PC.

We the Jury in the above-entitled action, find the defendant ANDRE BOOKER, GUILTY in Count 4, a violation of Section 12021(A)(1) PC.

-  
Bench conference ON the record at 10:36.  
Resume OPEN COURT10:39

-  
10:39  
COURT ASK JURORS TO WAIT IN THE HALL

-  
10:39  
Hearing held outside presence of the jury.

-  
DEFENDANT CONFIRMS HIS REQUEST FOR A JURY TRIAL REGARDING PRIORS.

-  
JURORS ORDERED TO RETURN TO COURT AT 1:30.  
ALTERNATE JURORS CONTACTED AND ORDERED TO RETURN AT 1:30.

-  
13:36  
Action came on for JURY TRIAL AS TO PRIORS.

-  
13:36  
Court reconvenes, all parties present. All jurors and alternate jurors are present and in their places.

-  
People's Exhibit(s) 85-DEPT OF CORRECTIONS PACKET (969B) marked for identification.  
People's Exhibit(s) 86-ABSTRACT OF JUDGMENT marked for identification.

-  
13:44  
PEOPLE'S Case in Chief.

-  
13:44  
People's Witness KATIE KING sworn and testifies.

OTSCASFRT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 10

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE ..... 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant : BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

-  
13:54

Witness KATIE KING excused.

-

13:35

People's Witness GARY BAILEY sworn and testifies.

-

Bench conference ON the record at 2:05.

Resume OPEN COURT 2:06

-

14:18

Witness GARY BAILEY excused.

-

14:18

PEOPLE REST.

-

People's Exhibit(s) 85 & 86 entered into evidence.  
(SEE EXHIBIT LIST FOR DESCRIPTION)

-

14:21

Closing arguments presented by THE PEOPLE.

-

14:23

Closing arguments presented by THE DEFENSE.

-

14:25

Rebuttal by THE PEOPLE.

-

14:27

Court gives jury instructions.

-

14:32

Jury admonished and commences deliberations.

-

ALTERNATE JURORS REQUESTED TO WAIT IN THE  
HALLWAY.

-

15:31

Court reconvenes, all parties present. All jurors  
and alternate jurors are present and in their  
places.

(ALTERNATE JURORS ARE PRESENT)

-

15:52

VERDICTS READ BY THE COURT (JUDGE TOMBERLIN)

-

Polling of Jurors waived.

-

15:55

Court gives jury instructions.

-

OTSCASERT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 11

-----  
CASE NUMBER: FVI023321  
ARREST NBR :  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON  
=====

DEFENDANT STATUS: Active  
ARREST DATE . . . .: 8/03/05

Defn : 1 of 2

-----  
THE FOLLOWING VERDICTS WERE RETURNED BY THE  
JURY (ALL THE ALLEGATIONS CANNOT BE PUT INTO THE  
COMPUTER)

-  
THE JURY HAS RETURNED WITH A VERDICT OF "TRUE"  
AS TO THE FOLLOWING ALLEGATIONS:

-  
SPECIAL ALLEGATION 1 AS TO COUNT 1 -A920019 PC

-  
AS TO SPECIAL ALLEGATION 2 AS TO COUNT 1 -A920019

-  
AS TO SPECIAL ALLEGATION 3 AS TO COUNT 1 - A920019

-  
AS TO SPECIAL ALLEGATION 4 AS TO COUNT 1- A0920019

-  
AS TO SPECIAL ALLEGATION 5 AS TO COUNT 1 -A920019

-  
AS TO SPECIAL ALLEGATION 6 AS TO COUNT 1 - A361033

-  
AS TO SPECIAL ALLEGATION 7 AS TO COUNT 1 - A361033

-  
AS TO SPECIAL ALLEGATION 8 AS TO COUNT 1 - A361033

-  
AS TO SPECIAL ALLEGATION 9 AS TO COUNT 1 A361033

-  
AS TO SPECIAL ALLEGATION 10 AS TO COUNT 1-A361033

-  
AS TO SPECIAL ALLEGATION 11 AS TO COUNT 1-A361033

-  
AS TO SPECIAL ALLEGATION 12 AS TO COUNT 1 -A196451

-  
AS TO SPECIAL ALLEGATION 13 A TO COUNT 1 -A652247

-  
AS TO SPECIAL ALLEGATION 14 AS TO COUNT 1-AG52247

-  
AS TO SPECIAL ALLEGATION 1 AS TO COUNT 4 - A920019

-  
AS TO SPECIAL ALLEGATION 2 AS TO COUNT 4 - A920019

-  
AS TO SPECIAL ALLEGATION 3 AS TO COUNT 4 - A920019

-  
AS TO SPECIAL ALLEGATION 4 AS TO COUNT 4 - A920019

-  
AS TO SPECIAL ALLEGATION 5 AS TO COUNT 4 - A920019

-  
AS TO SPECIAL ALLEGATION 6 AS TO COUNT 4 - A361033

-  
AS TO SPECIAL ALLEGATION 7 AS TO COUNT 4 - A361033

-  
AS TO SPECIAL ALLEGATION 8 AS TO COUNT 4 - A361033  
-----

OTSCASPR  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 12

-----

CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
 ARREST NBR : ARREST DATE ..... 8/03/05  
 ARREST AGY : CITY OF VICTORVILLE/VI  
 Defendant .: BOOKER, ANDRE LEDON Defn : 1 of 2

=====

AS TO SPECIAL ALLEGATION 9 AS TO COUNT 4 - A361033

-  
AS TO SPECIAL ALLEGATION 10 AS TO COUNT 4 -A361033-  
AS TO SPECIAL ALLEGATION 11 AS TO COUNT 4-A361033-  
AS TO SPECIAL ALLEGATION 12 AS TO COUNT 4 -A196451-  
AS TO SPECIAL ALLEGATION 13 AS TO COUNT 4-A652247-  
AS TO SPECIAL ALLEGATION 14 AS TO COUNT 4 -A652247We the Jury find the Prior # 1 pursuant to  
Section 667(A)(1) PC, TRUE.We the Jury find the Prior # 2 pursuant to  
Section 667(A)(1) PC, TRUE.We the Jury find the Prior # 3 pursuant to  
Section 667(A)(1) PC, TRUE.We the Jury find the Prior # 4 pursuant to  
Section 667(A)(1) PC, TRUE.-  
HEARINGSSentencing set for 04/25/2006 at 8:30 in  
Department V2.

Defendant ordered to appear on hearing date.

-  
REFERRALReferred to Probation Office for presentence  
investigation and report.-  
CUSTODY STATUSCase Custody - In Custody  
Probation Office notified.==Minute Order changed or corrected by V LOVASCO  
to dispo hearing; Changes made are as follows:  
INFORMATION RE-ENTERED BY CLERK'S OFFICE

==

=====MINUTE ORDER CORRECTED ON  
05/22/2006=====

3/15/06 V2

JURY TRIAL (DELIBERATIONS)

Dispo

JUDGE JOHN M TOMBERLIN

Clerk Vickie Lovasco

Reporter SHAWNA MANNING

Deputy District Attorney DAVID FOY present.

Attorney CONFLICT PANEL-GINA KERSHAW present.

Defendant present in custody.

-  
PROCEEDINGS

9TH DAY OF TRIAL.

-  
8:35

OTSCASPT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 13

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE . . . : 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant . : BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

Voir Dire continues.

-  
8:39

READ BACK BEGINS (COURT REPORTER SHAWNA MANNING)

-  
9:23

READ BACK ENDS

-  
10:13

Jury question(s) 2 .

-  
10:18

READ BACK BEGINS (COURT REPORTER SHAWNA MANNING)

-  
10:48

READ BACK ENDS

-  
12:03

Recess declared FOR JURORS (LUNCH RECESS)

-  
13:33

Voir Dire continues.

-  
15:37

Court reconvenes; all parties present.

JURY PRESENT

-  
Bench conference ON the record at 3:34.-  
Resume OPEN COURT 3:44-  
15:44JURY SENT BACK TO DELIBERATE ON THE COUNT THAT  
THEY DID NOT HAVE A VERDICT ON.-  
15:54

Recess declared FOR COURT AND COUNSEL

-  
16:01

Court reconvenes; all parties present.

Jurors not present.

-  
16:01

Jury question(s) 3 .

-  
COURT AND COUNSEL DISCUSS JURY QUESTION #3-  
16:12RESPONSE TO JURY QUESTION #3 SENT BACK TO THE  
JURORS.

Exhibit XXXVIOTSCASPR  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 14

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE : 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant : BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

16:30  
Recess declared FOR JURORS/COURT AND COUNSEL

-  
HEARINGS

Hearing continued to 03/16/2006 at 8:30 in  
Department V2.  
Defendant ordered to appear on hearing date.

-  
CUSTODY STATUS

Case Custody - In Custody

===== MINUTE ORDER END =====

3/14/06 V2

## JURY TRIAL (IN PROGRESS)

Dispo

JUDGE JOHN M TOMBERLIN

Clerk Vickie Lovasco

Reporter SHAWNA MANNING

Deputy District Attorney DAVID FOY present.

Attorney CONFLICT PANEL-GINA KERSHAW present.

Defendant present in custody.

-  
PROCEEDINGS

8TH DAY OF TRIAL.

-  
10:34

Court reconvenes, all parties present. All jurors  
and alternate jurors are present and in their  
places.

-  
10:37

Closing arguments presented by THE PEOPLE.

-  
11:29

Closing arguments presented by THE DEFENSE (DEFT  
BOOKER-ATTY KERSHAW).

-  
11:53

Recess declared; Jurors admonished.

-  
13:30

Court reconvenes, all parties present. All jurors  
and alternate jurors are present and in their  
places.

-  
13:30

Closing arguments presented by THE DEFENSE (DEFT  
JOHNSON-DPD SHINDER).

-  
14:00

Rebuttal by THE PEOPLE.

-  
14:36



OTSCASPR  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 15

-----

CASE NUMBER:	FVI023321	DEFENDANT STATUS:	Active
ARREST NBR :		ARREST DATE . . . . :	8/03/05
ARREST AGY :	CITY OF VICTORVILLE/VI		
Defendant .:	BOOKER, ANDRE LEDON	Defn :	1 of 2

=====

Court gives jury instructions.

-  
14:54

Bailiff sworn.

Bailiff JASON PATRICK

-  
14:55

Jury admonished and commences deliberations.

-  
14:56

COURT INSTRUCTS ALTERNATE JURORS

ALTERNATE JURORS ARE TO BE AVAILABLE WITHIN  
ONE HOUR NOTICE.-  
15:02

ALTERNATE JURORS EXCUSED

-  
15:04

Recess declared 3:04

-  
15:10

Recess declared FOR JURORS

-  
15:25

Jury COMMENCES deliberations 3:25.

-  
HEARINGS

JURY TRIAL (JURY DELIBERATION) continued to

03/15/2006 at 8:30 in Department V2.

Defendant ordered to appear on hearing date.

-  
Jury question(s) 1 (4:20) .-  
Recess declared 4:30-  
CUSTODY STATUS

Case Custody - In Custody

===== MINUTE ORDER END =====

3/13/06 V2

JURY TRIAL (IN PROGRESS)

Dispo

JUDGE JOHN M TOMBERLIN

Clerk Vickie Lovasco

Reporter SHAWNA MANNING

Deputy District Attorney DAVID FOY present.

Attorney CONFLICT PANEL-GINA KERSHAW present.

Defendant present in custody.

-  
PROCEEDINGS

7TH DAY OF TRIAL.

-  
9:18

OTSCASERT  
7/14/08SUPERIOR COURT OF CALIF. COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 16

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE : 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant : BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

Court reconvenes; all parties present.  
Jurors not present.

-  
2ND Amended Information filed.  
Defendant pleads NOT GUILTY to all Counts.

-  
People's Exhibit(s) 82-FINGER PRINT CARD (1  
PRINT) marked for identification.  
People's Exhibit(s) 83-FINGER PRINT CARD (MULTIPLY  
PRINTS) marked for identification.

-  
9:23  
JURY PRESENT

-  
Bench conference OFF the record at 9:24.  
Resume OPEN COURT 9:24

-  
9:25  
People's Witness DEBORAH HARRIS sworn and  
testifies.

-  
9:51  
Witness DEBORAH HARRIS excused.

-  
9:52  
People's Witness ALLEN MAXWELL sworn and  
testifies.

-  
10:00  
Witness ALLEN MAXWELL excused.

-  
10:01  
People's Witness KATIE KING sworn and testifies.

-  
10:21  
Witness KATIE KING excused.

-  
10:22  
ORAL STIPULATION PLACED ON THE RECORD - DDA FOY  
TO PREPARE STIPULATIONS IN WRITTEN FORM.

-  
10:27  
COURT GIVES LIMITING INSTRUCTION TO THE JURY.

-  
10:29  
PEOPLE REST.

-  
10:30  
Recess declared; Jurors admonished.

-  
10:31

Exhibit VIOTSCASFRT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 17

-----  
CASE NUMBER: FVI023321  
ARREST NBR :  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON  
=====

DEFENDANT STATUS: Active  
ARREST DATE . . . .: 8/03/05

Defn : 1 of 2

Court reconvenes; all parties present.  
Jurors not present.

-  
Action came on for MOTION TO DISMISS CT3 (AS TO  
BOTH DEFENDANTS).

-  
Argument presented by counsel for PEOPLE AND  
DEFENSE (BOTH DEFENDANTS).

-  
DEFENSE Motion TO DISMISS CT3 (AS TO BOTH DEFTS)  
is DENIED.

-  
10:42  
Recess declared 10:42

-  
11:05  
Court reconvenes, all parties present. All jurors  
and alternate jurors are present and in their  
places.

-  
11:05  
Opening Statements WAIVED by ATTY KERSHAW.

-  
11:05  
DEFENSE (DEFT BOOKER-ATTY KERSHAW) Case in Chief.

-  
11:06  
Defense Witness, MAYLEEN SANTIAGO is sworn and  
testifies.

-  
Bench conference ON the record at 11:19.  
Resume OPEN COURT 11:22

-  
Bench conference ON the record at 11:23.  
Resume OPEN COURT 11:25

-  
People's Exhibit(s) 2D THROUGH 2H marked for  
identification.  
(SEE EXHIBIT LIST FOR DESCRIPTIONS)

-  
11:57  
Recess declared; Jurors admonished.

-  
13:37  
Court reconvenes, all parties present. All jurors  
and alternate jurors are present and in their  
places.

-  
13:37  
Defense Witness MAYLEEN SANTIAGO resumes  
testimony, still under oath.

Exhibit XXXVIOTSCASPT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 18

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE : 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant : BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

-  
13:54  
Witness MAYLEEN SANTIAGO excused.

-  
13:55  
DEFENSE (DEFT BOOKER-ATTY KERSHAW) REST.

-  
13:55  
Opening Statements WAIVED by DEFENSE (DEFT  
JOHNSON-PD SHINDER).

-  
13:55  
DEFENSE (DEFT JOHNSON-PD SHINDER) Case in Chief.

-  
13:55  
Defense Witness, DETECTIVE RICK  
MESSERSMITH (PREVIOUSLY SWORN) is sworn and  
testifies.

-  
13:55  
Witness DETECTIVE RICK MESSERSMITH EXCUSED  
subject to recall.

-  
13:58  
DEFENSE (DEFT JOHNSON-PD SHINDER) REST.

-  
13:58  
Rebuttal by THE PEOPLE.

-  
15:58  
People's Witness DETECTIVE RICK MESSERSMITH  
recalled, still under oath.

-  
Bench conference ON the record at 2:01.  
Resume OPEN COURT 2:05

-  
14:08  
Witness DETECTIVE RICK MESSERSMITH excused.

-  
NO REBUTTAL BY DEFENSE (DEFT'S BOOKER & JOHNSON)

-  
14:41  
Court gives jury instructions.

-  
15:06  
Recess declared; Jurors admonished.  
(JURY TO RETURN AT 10:30 ON 3-14-06)

-  
15:07  
Hearing held outside presence of the jury.  
-

OTSCASPT  
7/14/08SUPERIOR COURT OF CALIF. COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 19

-----

CASE NUMBER:	FVI023321	DEFENDANT STATUS:	Active
ARREST NBR :		ARREST DATE .....	8/03/05
ARREST AGY :	CITY OF VICTORVILLE/VI		
Defendant .:	BOOKER, ANDRE LEDON	Defn :	1 of 2

=====

15:07

Recess declared 1512

-  
People's Exhibit(s) 84-STIPULATION marked for  
identification.

15:57

Court reconvenes; all parties present.  
Jurors not present.

-  
People's Exhibit(s) 2 THROUGH 2H entered into  
evidence.  
People's Exhibit(s) 7 7A 7B 7C 7E 7F entered into  
evidence.  
People's Exhibit(s) 9 entered into evidence.  
People's Exhibit(s) 26 29 31 entered into  
evidence.  
People's Exhibit(s) 36 THROUGH 44 entered into  
evidence.  
People's Exhibit(s) 47 48 entered into evidence.  
People's Exhibit(s) 51 THROUGH 56 entered into  
evidence.  
People's Exhibit(s) 64 67 entered into evidence.  
People's Exhibit(s) 80 entered into evidence.  
People's Exhibit(s) 81 82 83 84 entered into  
evidence.

## HEARINGS

Hearing continued to 03/14/2006 at 10:30 in  
Department V2.  
Defendant ordered to appear on hearing date.

-  
Recess declared 4:19

## CUSTODY STATUS

Case Custody - In Custody

===== MINUTE ORDER END =====

3/09/06

SECOND AMENDED INFORMATION FILED

V2

JURY TRIAL (IN PROGRESS)  
JUDGE JOHN M TOMBERLIN  
Clerk Vickie Lovasco  
Reporter SHAWNA MANNING  
Deputy District Attorney DAVID FOY present.  
Attorney CONFLICT PANEL-GINA KERSHAW present.  
Defendant in custody not present in court.

Dispo

## PROCEEDINGS

6TH DAY OF TRIAL.

OTSCASBRT  
7/14/08

SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 20

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE .....: 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

10:01  
Court convenes ALL PARTIES PRESENT WITH EXCEPTION  
OF DEFENDANT.  
Jurors not present.

-  
Court and counsel review jury instructions.  
IN CHAMBERS OFF THE RECORD - COURT REPORTER  
WAIVED FOR REVIEW OF JURY INSTRUCTIONS.

-  
12:00  
Recess declared 1200

-  
13:30  
COURT AND COUNSEL CONTINUE REVIEW OF JURY  
INSTRUCTIONS IN CHAMBERS OFF THE RECORD.

-  
16:00  
Recess declared 4:00

-  
HEARINGS  
Hearing continued to 03/13/2006 at 9:00 in  
Department V2.  
Defendant ordered to appear on hearing date.

-  
CUSTODY STATUS  
Case Custody - In Custody  
===== MINUTE ORDER END =====

3/08/06 V2

JURY TRIAL (IN PROGRESS)  
JUDGE JOHN M TOMBERLIN  
Clerk Vickie Lovasco  
Reporter SHAWNA MANNING  
Deputy District Attorney DAVID FOY present.  
Attorney CONFLICT PANEL-GINA KERSHAW present.  
Defendant present in custody.

Dispo

-  
PROCEEDINGS  
5TH DAY OF TRIAL.

-  
9:08  
Court reconvenes; all parties present.  
Jurors not present.

-  
DPD SHINDER'S Motion THAT DDA FOY NOT WEAR DA  
LAPEL PIN is DENIED.

-  
ARMY LT WILKERSON IS PRESENT IN COURT.  
COURT AND COUNSEL DISCUSS ISSUES REGARDING  
ARMY STAFF SGT SHANNON PACAL.

-  
ORAL STIPULATIONS PLACED ON THE RECORD

OTSCASBRT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 21

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE ..... 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

-  
Witness LT WILKERSON (3-13-06 AT 1:30) ordered to  
be present without further need of subpoena

-  
9:57  
JURORS PRESENT

-  
9:59  
People's Witness ROBERT GREENE sworn and  
testifies.

-  
10:09  
Witness ROBERT GREENE excused.

-  
10:10  
People's Witness GAIL BROWN sworn and testifies.

-  
Bench conference ON the record at 10:19.

-  
Resume OPEN COURT 10:20

-  
10:34  
Witness GAIL BROWN excused.

-  
10:34  
Recess declared; Jurors admonished.

-  
QUESTION RECEIVED FROM JUROR IN SEAT #7.  
NO RESPONSE NECESSARY

-  
People's Exhibit(s) 2A 2B 2C marked for  
identification.  
(SEE EXHIBIT LIST FOR DESCRIPTION)

-  
Bench conference ON the record at 11:07.

-  
Resume OPEN COURT 11:08

-  
Bench conference ON the record at 11:12.

-  
Resume OPEN COURT 11:13

-  
11:14  
Witness MICHAEL REUVERS excused.

-  
11:15  
People's Witness DEPUTY DARIN LANSDOWN sworn and  
testifies.

Bench conference ON the record at 11:54.

-  
Bench conference ON (WITH ALJ#4) the record at

OTSCASERT  
7/14/08

SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 22

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE ..... 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

11:54.  
Resume OPEN COURT 11:56  
-  
11:57  
Recess declared; Jurors admonished.  
-  
13:48  
Court reconvenes, all parties present. All jurors  
and alternate jurors are present and in their  
places.  
-  
13:48  
People's Witness DEPUTY DARIN LANSDOWN resumes  
testimony, still under oath.  
-  
14:29  
Witness DEPUTY DARIN LANSDOWN excused.  
-  
14:29  
People's Witness DEPUTY KARI KLAUS sworn and  
testifies.  
-  
14:40  
Witness DEPUTY KARI KLAUS excused.  
-  
14:41  
People's Witness DEPUTY FERNANDO HERNANDEZ sworn  
and testifies.  
-  
People's Exhibit(s) 7A 7B 7C 7D 7E 7F marked for  
identification.  
(SEE EXHIBIT LIST FOR DESCRIPTION)  
-  
People's Exhibit(s) 81-CA DEPT OF MOTOR VEHICLE  
IMAGE marked for identification.  
-  
Bench conference ON the record at 2:50.  
-  
Resume OPEN COURT 2:53  
-  
15:10  
Recess declared; Jurors admonished.  
-  
People's Exhibit(s) 6A-CA DRIVERS LICENSE-RUDOLPH  
JOHNSON marked for identification.  
-  
15:33  
Court reconvenes, all parties present. All jurors  
and alternate jurors are present and in their  
places.  
-



OTSCASERT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 23

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE : 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant : BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

People's Witness DEPUTY FERNANDO HERNANDEZ  
resumes testimony, still under oath.

-  
Bench conference ON the record at 3:36.

-  
Resume OPEN COURT 3:38

-  
15:44

Witness DEPUTY FERNANDO HERNANDEZ excused.

-  
15:45

People's Witness DETECTIVE JOHN WICKUM sworn and  
testifies.

-  
15:50

Witness DETECTIVE JOHN WICKUM excused.

-  
15:51

People's Witness DETECTIVE RICK MESSERSMITH sworn  
and testifies.

-  
16:26

Witness DETECTIVE RICK MESSERSMITH EXCUSED  
subject to recall.

-  
Bench conference ON the record at 4:26.

-  
Resume OPEN COURT 4:31

-  
16:33

Recess declared; Jurors admonished.  
JURORS TO RETURN AT 9AM ON 3-13-06.

-  
HEARINGS

Hearing continued to 03/09/2006 at 8:30 in  
Department V2.  
Defendant ordered to appear on hearing date.

-  
CUSTODY STATUS

Case Custody - In Custody

===== MINUTE ORDER END =====

3/07/06 V2

JURY TRIAL (IN PROGRESS)

Dispo

JUDGE JOHN M TOMBERLIN

Clerk Vickie Lovasco

Reporter SHAWNA MANNING

Deputy District Attorney DAVID FOY present.

Attorney CONFLICT PANEL-GINA KERSHAW present.

Defendant present in custody.

-  
PROCEEDINGS

OTSCASERT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 24

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE ..... 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

4TH DAY OF TRIAL.

-  
People's Exhibit(s) 11 THROUGH 72 marked for  
identification.

(SEE EXHIBIT LIST FOR DISCRIPTION)

-  
10:53

Court reconvenes; all parties present.

Jurors not present.

-  
COURT RE-VISITS MOTION IN LIMIN REGARDING  
CONFRONTATION CLAUSE.-  
COURT'S PREVIOUS RULING STANDS.-  
11:30

JURORS PRESENT

-  
Court pre-instructs the jury.-  
11:55

Recess declared; Jurors admonished.

-  
11:56

Court reconvenes; all parties present.

Jurors not present.

-  
12:00

Recess declared 12:00

-  
13:31

Court reconvenes; all parties present.

Jurors not present.

-  
COURT RE-VISITS ISSUE OF SPONTANEOUS STATEMENTS-  
13:42

JURORS PRESENT

-  
PEOPLE'S INVESTIGATING OFFICER PRESENT - DETECTIVE  
MESSERSMITH.-  
13:43

Opening Statements GIVEN by THE PEOPLE.

-  
13:59

Opening Statements RESERVED by ATTORNEY KERSHAW.

-  
13:59

Opening Statements RESERVED by DPD EARL SHINDER.

OTSCASRT  
7/14/08

SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 25

CASE NUMBER: FVI023321

DEFENDANT STATUS: Active

ARREST NBR :

ARREST DATE ..... 8/03/05

ARREST AGY : CITY OF VICTORVILLE/VI

Defendant .: BOOKER, ANDRE LEDON

Defn : 1 of 2

Bench conference ON the record at 1:59.

Resume OPEN COURT 2:01

14:02

PEOPLE'S Case in Chief.

14:02

People's Witness RAGINA CHHINN sworn and testifies.

15:06

Recess declared; Jurors admonished.

15:26

Court reconvenes; all parties present.  
Jurors not present.

COURT AND COUNSEL DISCUSS QUESTIONS SUBMITTED  
BY ALTERNATE JUROR #2 AND ALTERNATE JUROR #4.

COURT FINDS QUESTIONS REQUIRE NO RESPONSE.

15:32

JURORS PRESENT

People's Witness RAGINA CHHINN resumes testimony,  
still under oath.

People's Exhibit(s) 73 THROUGH 79 marked for  
identification.  
(SEE EXHIBIT LIST FOR DISCRIPTION)

People's Exhibit(s) 80 marked for identification.  
(SEE EXHIBIT LIST FOR DISCRIPTION)

16:03

Witness RAGINA CHHINN EXCUSED subject to recall.

16:04

People's Witness ANGELINE CRACCHIOLO sworn and  
testifies.

16:23

Witness ANGELINE CRACCHIOLO excused.

16:25

Recess declared; Jurors admonished.

16:28

Court reconvenes; all parties present.

OTSCASBRT  
7/14/08

SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 26

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE ..... 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

Jurors not present.

-  
Witness GAIL BROWN & ROBERT GREEN (3-8-06 AT 9AM)  
ordered to be present without further need of  
subpoena

-  
Witness DEPUTY KARI KLAUS (3-8-06 3PM) ordered to  
be present without further need of subpoena

-  
Witness DEPUTY DARIN LANSDOWN (3-8-06 9AM)  
ordered to be present without further need of  
subpoena

-  
16:32

Recess declared 4:32

-  
HEARINGS

Hearing continued to 03/08/2006 at 9:00 in  
Department V2.

Defendant ordered to appear on hearing date.

-  
CUSTODY STATUS

Case Custody - In Custody

===== MINUTE ORDER END =====

3/06/06 V2

JURY TRIAL (IN PROGRESS)

Dispo

JUDGE JOHN M TOMBERLIN

Clerk Vickie Lovasco

Reporter SHAWNA MANNING

Deputy District Attorney DAVID FOY present.

Attorney CONFLICT PANEL-GINA KERSHAW present.

Defendant present in custody.

-  
PROCEEDINGS

3RD DAY OF TRIAL.

-  
JUROR #71 WAS EXCUSED FOR CAUSE ON 3-2-06 DUE  
TO A DEATH IN THE FAMILY.

-  
JUROR #29 WAS EXCUSED TODAY DUE TO A MEDICAL  
EMERGENCY REGARDING A CHILD.

-  
9:20

WITNESS GAIL BROWN PRESENT IN COURT AND ORDERED  
BACK AT 2:30.

-  
9:32

Court convenes COUNSEL PRESENT/DEFENDANTS NOT  
PRESENT.

DEFENDANT'S PRESENCE WAIVED FOR MOTION TO DISMISS  
COUNT 4.

OTSCASRT  
7/14/08

SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 27

CASE NUMBER: FVI023321

DEFENDANT STATUS: Active

ARREST NBR :

ARREST DATE ..... 8/03/05

ARREST AGY : CITY OF VICTORVILLE/VI

Defendant .: BOOKER, ANDRE LEDON

Defn : 1 of 2

PEOPLE'S ORAL Motion TO DISMISS COUNT 4 is  
GRANTED.

(ORIGINAL COUNT 4 IS DISMISSED - COUNTS HAVE  
BEEN RE-NUMBERED)

9:51

Court reconvenes; all parties present.

SUPPLEMENTAL JURY PANEL PRESENT

Jury Panel called in and roll call taken.

9:55

Supplemental Panel of Prospective Jurors having  
been summoned is sworn regarding their  
qualifications to act as Trial Jurors.

10:23

Recess declared; Jurors admonished.

10:47

Court reconvenes; all parties present.

PROSPECTIVE JURY PANELS PRESENT

10:47

Voir Dire continues.

Bench conference ON the record at 11:39.

Resume OPEN COURT 11:40

11:59

Recess declared; Jurors admonished.

13:33

Court reconvenes; all parties present.

PROSPECTIVE JURORS NOT PRESENT

Action came on for DEFENSE BRANSON/WHEELER MOTION.  
(MOTION BROUGHT BY BOTH DEFENDANTS)

Argument presented by counsel for DEFENSE & THE  
PEOPLE.

DEFENSE Motion BRANSON/WHEELER is DENIED.

16:04

PROSPECTIVE JURORS PRESENT

Bench conference ON the record at 2:07.

Resume OPEN COURT 2:07

Exhibit XXXVI

OTSCASERT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 28

-----  
CASE NUMBER: FVI023321  
ARREST NBR :  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON  
=====

DEFENDANT STATUS: Active  
ARREST DATE . . . . : 8/03/05

Defn : 1 of 2

-  
14:08Voir Dire continues.  
-

14:48

Recess declared; Jurors admonished.  
-

14:48

Court reconvenes; all parties present.  
Jurors not present.  
-

14:50

Recess declared 2:50  
-

15:11

Court reconvenes, all parties present. All  
prospective jurors are present and in their  
proper places  
-Bench conference ON the record at 3:37.  
-Resume OPEN COURT 3:38  
-Bench conference ON the record at 3:37.  
-Resume OPEN COURT 3:38  
-

15:15

12 Jurors and 4 alternates are sworn to try the  
cause. The names of the sworn jurors and  
alternates are sealed upon the recording of the  
verdict.and placed in a sealed envelope within the case  
file FVI023321.(ALTERNATE JURORS SWORN AT 4:28)  
-

16:29

Recess declared; Jurors admonished.  
-Witness RAGINA CHHINN (3-7-07 AT 10AM) ordered to  
be present without further need of subpoena  
-Witness GAIL BROWN (3-7-06 AT 3PM) ordered to be  
present without further need of subpoena  
-

16:33

Court reconvenes; all parties present.  
Jurors not present.  
-

16:41

Recess declared 4:41

OTSCASRT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 29

-----

CASE NUMBER:	FVI023321	DEFENDANT STATUS:	Active
ARREST NBR :		ARREST DATE .....	8/03/05
ARREST AGY :	CITY OF VICTORVILLE/VI		
Defendant ..	BOOKER, ANDRE LEDON	Defn :	1 of 2

=====

-  
HEARINGS

Hearing continued to 03/07/2006 at 9:15 in  
Department V2.

Defendant ordered to appear on hearing date.  
(JURY ORDERED BACK AT 10AM)

Defendant ordered to appear on hearing date.

-  
CUSTODY STATUS

Case Custody - In Custody

===== MINUTE ORDER END =====

3/02/06

file in v2

3/01/06 V2

JURY TRIAL (IN PROGRESS)

Dispo

JUDGE JOHN M TOMBERLIN

Clerk Linda Alfaro

Reporter Frances Macias

Deputy District Attorney DAVID FOY present.

Attorney CONFLICT PANEL-GINA KERSHAW present.

Defendant present in custody.

-  
PROCEEDINGS

2nd DAY OF TRIAL.

People's Exhibit(s) #1-pellet gun in box is  
marked for identification.

People's Exhibit(s) #2-evidence envelope  
#0517004090 is marked for identification.

People's Exhibit(s) #3-evidence envelope  
#0517003521 is marked for identification.

People's Exhibit(s) #4-evidence envelope  
#0517004091 marked for identification.

People's Exhibit(s) #5-evidence envelope  
#0517002998 is marked for identification.

People's Exhibit(s) #6-evidence envelope  
#0517002999 is marked for identification.

People's Exhibit(s) #7-evidence envelope  
#0517002994 is marked for identification.

People's Exhibit(s) #8-evidence envelope  
#0517003138 is marked for identification.

People's Exhibit(s) #9-evidence envelope  
#0517002997 is marked for identification.

People's Exhibit(s) #10-evidence envelope  
#0517003000 is marked for identification.

(see exhibit list for individual items in each  
evidence envelope)

-  
Court convenes at 9:09. Outside presence of  
prospective jurors.

OTSCASERT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
-CASE PRINT

Page: 30

-----  
CASE NUMBER: FVI023321  
ARREST NBR :  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant : BOOKER, ANDRE LEDON

DEFENDANT STATUS: Active  
ARREST DATE : 8/03/05

Defn : 1 of 2

=====

402 hearing held  
People's Witness Deputy Fernando Hernandez at  
9:12 is sworn and testifies.  
Witness Deputy Fernando Hernandez at 9:52 is  
excused.  
Argument presented by counsel for all sides.  
Motions in limine 3 and 4 are granted  
Motions in limine 5 are granted by stipulation  
402 hearing concluded at 10:38  
Recess declared at 10:38  
-  
Court reconvenes at 11:07  
Jury panel now present, roll call taken at 11:07.  
Prospective Jury Panel having been summoned, is  
sworn regarding their qualifications to act as  
Trial Jurors.  
Voir Dire conducted by Court and Counsel.  
Recess declared at 12:00. Prospective jurors  
admonished  
-  
Court reconvenes at 1:35. Outside presence of  
prospective jurors  
Recess declared at 1:35  
-  
Court reconvenes at 1:39. All parties present  
Voir Dire continues.  
Recess declared at 2:43. Prospective jurors  
admonished.  
-  
Court reconvenes at 3:02  
Voir Dire continues.  
-  
Supplmental panel is ordered for 9am on 3/6/06  
This panel is ordered to return at 10am on 3/6/06  
Recess declared 4:23. Prospective jurors  
admonished  
-  
Court reconvenes at 4:24. Outside presence of  
prospective jurors  
Recess declared at 4:34  
-  
HEARINGS  
Hearing continued to 03/06/2006 at 9:00 in  
Department V2.  
Defendant ordered to appear on hearing date.  
-  
CUSTODY STATUS  
Case Custody - In Custody  
===== MINUTE ORDER END =====  
-----

2/28/06

WITNESS LIST FILED BY PEOPLE



OTSCASDRT  
7/14/08

SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 31

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE ..... 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

-----  
MOTN IN LIMINE FILED BY ATTY KERSHAW  
-----

WITNESS LIST FILED BY ATTY KERSHAW  
-----

V2 RECALL CALENDAR Dispo

JUDGE JOHN M TOMBERLIN  
Clerk Vickie Lovasco  
Reporter FRANCES MACIAS  
Deputy District Attorney DAVID FOY present.  
Attorney CONFLICT PANEL-GINA KERSHAW present.  
Defendant present in custody.

-  
PROCEEDINGS  
1ST DAY OF TRIAL.

-  
13:42  
Court convenes ALL PARTIES PRESENT.

-  
Motion(s) in Limine held.

-  
PEOPLE'S Motion IN LIMINE #1 is GRANTED.

-  
PEOPLE'S Motion IN LIMINE #2 is GRANTED.  
MOTION IN LIMINE #2 IS GRANTED  
TO THE EXTENT THAT AN IN COURT IDENTIFICATION  
IS NOT MADE - IF IN COURT IDENTIFICATION IS MADE  
IN FRONT OF THE JURY THIS MOTION WILL BE  
RE-VISITED.

-  
PEOPLE'S MOTION IN LIMINE 3 - RULING PENDING  
PEOPLE'S MOTION IN LIMINE 4 - RULING PENDING  
PEOPLE'S MOTION IN LIMINE 5 - RULING PENDING

-  
Witness LT ANDREA WILKERSON (PRESENT IN COURT)  
ordered to be present without further need of  
subpoena  
ORDERED TO RETURN ON 3-8-06 AT 9AM

-  
DEFENSE (ATTY KERSHAW) Motion TO BIFURCATE PRIORS  
is GRANTED.  
PARTIES ARE NOT TO MENTION PRIORS

-  
Motion to exclude witnesses, GRANTED. People  
designate DETECTIVE MESSERSMITH as investigating  
officer and is exempt from the exclusion.

-  
1ST Amended Information filed.  
Defendant pleads NOT GUILTY to all Counts.  
Defendant denies all priors.  
-

OTSCASBRT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 32

-----

CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
 ARREST NBR : ARREST DATE . . . : 8/03/05  
 ARREST AGY : CITY OF VICTORVILLE/VI  
 Defendant .: BOOKER, ANDRE LEDON Defn : 1 of 2

=====

JURY PANEL ORDERED FOR 3-1-06 AT 9AM

-  
HEARINGS

JURY TRIAL (IN PROGRESS) continued to 03/01/2006  
 at 8:30 in Department V2.  
 Defendant ordered to appear on hearing date.

-  
Recess declared 1523-  
CUSTODY STATUS

Case Custody - In Custody

===== MINUTE ORDER END =====

2/27/06 V2  
V2JURY TRIAL  
No Minutes

Vacate

V2

EX PARTE HEARING: RE BENCH WARRANT AS TO WITNESS  
 JUDGE JOHN M TOMBERLIN  
 Clerk Vickie Lovasco  
 Reporter NOT REPORTED  
 Deputy District Attorney DAVID FOY present.

Dispo

-  
PROCEEDINGS

PEOPLE'S Motion TO ISSUE BW ON WITNESS GAIL BROWN  
 is GRANTED.

COPY OF SUBPOENA PROVIDED TO THE COURT.

-  
BENCH WARRANT ORDERED IN THE AMOUNT OF  
\$10000.

-----SUBSEQUENTLY-----

JUDGE JOHN M TOMBERLIN

Clerk Vickie Lovasco

Reporter NOT REPORTED

Deputy District Attorney DAVID FOY present.

-  
PROCEEDINGS

PEOPLE'S Motion TO WITHDRAW REQUEST FOR BENCH  
 WARRANT is GRANTED.

-  
DDA DAVID FOY REPRESENTS THAT WITNESS GAIL BROWN  
WAS PRESENT AS ORDERED.-  
CUSTODY STATUS

Case Custody - In Custody

===== MINUTE ORDER END =====

2/24/06 V2

READINESS CALENDAR

Dispo

JUDGE JOHN M TOMBERLIN

Clerk Vickie Lovasco

Reporter FRANCES MACIAS

OTSCASBRT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 33

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE ..... 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

Deputy District Attorney DAVID FOY present.  
Attorney CONFLICT PANEL-GINA KERSHAW present.  
Defendant present in custody.

-  
HEARINGS

Case recalled on 02/28/2006 at 8:30 in  
Department V2.  
Defendant ordered to appear on hearing date.

-  
Estimated time is 10 COURT DAYS.

-  
TIME WAIVERS

DEFT ARRAIGNED ON INFORMATION 1-31-06

-  
CUSTODY STATUS

Case Custody - In Custody

===== MINUTE ORDER END =====

2/10/06 V2

-----  
PRE-TRIAL

Dispo

JUDGE JOHN M TOMBERLIN

Clerk Vickie Lovasco

Reporter FRANCES MAICAS

Deputy District Attorney DAVID FOY present.

Attorney CONFLICT PANEL-GINA KERSHAW BY KERRI

GAHNAL present.

Defendant present in custody.

-  
PROCEEDINGS

STIPULATED Motion TO CONFIRM TRIAL DATES is  
GRANTED.

-  
Trial date confirmed.

-  
(READINESS CALENDAR 2-24-06 JURY TRIAL 2-27-06)

-  
TIME WAIVERS

ARRAIGNED ON INFORMATION 1-31-06

-  
CUSTODY STATUS

Case Custody - In Custody

===== MINUTE ORDER END =====

1/31/06 V2

-----  
ARRAIGNMENT ON INFORMATION

Dispo

JUDGE JOHN M TOMBERLIN

Clerk Vickie Lovasco

Reporter GLENORA MELENDEZ

Deputy District Attorney CARA HUTSON present.

Attorney CONFLICT PANEL-GINA KERSHAW present.

Defendant present in custody.

-  
PROCEEDINGS

OTSCASRT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 34

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE : 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant : BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

Attorney for Defendant waives formal arraignment  
and advisal of Constitutional and Statutory  
Rights.

-  
PLEA INFORMATION

Defendant pleads NOT GUILTY to all Counts.  
Defendant denies special allegations.

-  
HEARINGS

Jury Trial set for 02/27/2006 at 9:00 in  
Department V2; Estimated 0 days.  
Readiness Calendar set for 02/24/2006 at 8:29 in  
Department V2.  
Pretrial set for 02/10/2006 at 8:35 in  
Department V2.  
Defendant ordered to appear on hearing date.

-  
Fingerprint Form Filed.

-  
CUSTODY STATUS

Case Custody - In Custody  
Bail remains as set.

===== MINUTE ORDER END =====

1/24/06 order authorizing investigator

1/19/06 Information Filed

1/17/06 V5. ARRAIGNMENT Dispo

JUDGE ERIC M NAKATA  
Clerk Loretta Wren  
Reporter GLENORA MELENDEZ  
Deputy District Attorney DAVID FOY present.  
Attorney CONFLICT PANEL-GINA KERSHAW present.  
Defendant present in custody.

-  
ATTORNEY INFORMATION

Court appoints Conflict Panel Attorney.

-  
PROCEEDINGS

THIS CASE IS A REFILING OF FVI022315  
Defendant waives formal arraignment.  
Defendant pleads NOT GUILTY to all Counts.  
Defendant denies special allegations.  
Defendant denies prior/strike.  
Bail set at \$500000.00.  
COMPLAINT AMENDED BY INTERLINEATION CORRECTING  
VICTIM'S NAME IN COUNT 4.

-  
Court finds that the Defendant freely,  
voluntarily, intelligently, knowingly and

OTSCASERT  
7/14/08SUPERIOR COURT OF CALIF COUNTY OF SAN BERNARDINO  
CASE PRINT

Page: 35

-----  
CASE NUMBER: FVI023321 DEFENDANT STATUS: Active  
ARREST NBR : ARREST DATE ..... 8/03/05  
ARREST AGY : CITY OF VICTORVILLE/VI  
Defendant .: BOOKER, ANDRE LEDON Defn : 1 of 2  
=====

expressly waives the right to Preliminary  
Hearing.

On Motion of DA, Court orders Defendant HELD TO  
ANSWER in Superior Court to all  
counts/allegations and/or priors.

-  
HEARINGS

Arraignment on Information set for 01/31/2006 at  
8:30 in Department V2.  
Defendant ordered to appear on hearing date.

-  
CUSTODY STATUS

Case Custody - In Custody  
Commitment Issued (Pending)

===== MINUTE ORDER END =====

-----  
FVI023318 has been changed to FVI023321.  
-----

Jurisdiction set to VS by OTS310.  
-----

Complaint Filed by DHOWA

\*\*\*\* No Local DMV data available for this case \*\*\*\*  
\*\*\*\* END OF CASE PRINT \*\*\*\*

P.O. Box 290066

Represca, Ca 95671

Exhibit XXXVII

7/2/08

Re: #V1023321

Attention Joy Colly,

The documents I am requesting are of the discovery material. Produced in the investigation conducted by the San Bernadino Sheriffs and the detectives department of Victorville. Along with those documents developed by defense investigator Steve Stremel. Thank you.

Respectfully  
Andre Booker

Andre Booker

## PROOF OF SERVICE

(C.C.P. §§1013(a); 2015.5; 28 U.S.C. §1746)

I, Andre L. Booker, am over the age of eighteen (18) years, and I (am) (am not) a party to the within cause of action. My address is:

Andre Booker, #30521  
Csp-Sac, P.O. Box 290066  
Represca, Ca 95671

On, \_\_\_\_\_, I served the following documents:

Civil Rights Complaint 1983, under  
42 U.S.C.

on the below named individual(s) by depositing true and correct copies thereof in the United State mail in Represa, California, with postage fully prepaid thereon, addressed as follows:

1. CLERK OF U.S.  
DISTRICT COURT

Room 4290  
880 Front Street  
San Diego, Ca  
92101-8900

2. Gina Lynn Keeshaw  
P.O. Box 662  
Wrightwood, Ca  
92397

I have read the above statements and declare under the penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 18 day of August, 2008, at California State Prison - Sacramento, Represa, California.

(Signature)

Andre Booker

JS44

(Rev. 07/89)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

## I (a) PLAINTIFFS

Andre Ledon Booker

Gina Lynn Kershaw

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Sacramento  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Andre Ledon Booker  
PO Box 290066  
Sacramento, CA 95671  
F-30521

ATTORNEYS (IF KNOWN)

'08 CV 1565 W WMC

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   | PT                         | DEF                        |   | PT                         | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(p)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights			

## VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

## VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE 8/22/2008

SIGNATURE OF ATTORNEY OF RECORD

CR

Rmiller